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## Harvard College Library



### FROM THE BRIGHT LEGACY

One half the income from this Legacy, which was received in 1880 under the will of

**JONATHAN BROWN BRIGHT**  
of Waltham, Massachusetts, is to be expended for books for the College Library. The other half of the income is devoted to scholarships in Harvard University for the benefit of descendants of

**HENRY BRIGHT, JR.,**  
who died at Watertown, Massachusetts, in 1686. In the absence of such descendants, other persons are eligible to the scholarships. The will requires that this announcement shall be made in every book added to the Library under its provisions.





L A W S  
OF THE  
STATE OF NEW YORK

PASSED AT THE  
SESSIONS OF THE LEGISLATURE

HELD IN THE YEARS

1797, 1798, 1799 and 1800, inclusive,

*BEING THE TWENTIETH, TWENTY-FIRST, TWENTY-SECOND AND  
TWENTY-THIRD SESSIONS.*

REPUBLISHED BY THE SECRETARY OF STATE, PURSUANT TO  
CHAPTER THREE HUNDRED AND FORTY-ONE OF THE LAWS  
OF EIGHTEEN HUNDRED AND EIGHTY-FIVE.

VOLUME IV.

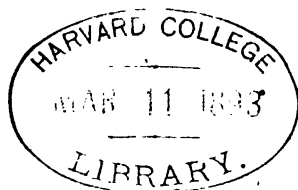


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1887.

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~~NY Doc 1.31.~~



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19.2

## CHAPTER 341.

AN ACT to provide for the publication of the session laws from seventeen hundred and seventy-seven to eighteen hundred and one, inclusive.

PASSED May 27, 1885; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Secretary of State is directed to republish, verbatim, preserving the original spelling and punctuation, the session laws of this State from seventeen hundred and seventy-seven to eighteen hundred and one, both inclusive. References showing when each law was amended or repealed, may be added.

§ 2. The republication shall be in octavo volumes of not less than six hundred or more than seven hundred and fifty pages each, with an index to each volume, and of a material equal in style and quality to the session laws of eighteen hundred and eighty-four.

§ 3. The edition shall consist of one thousand copies and shall be distributed as follows: One copy to each judicial district library; one copy to the clerk's office of each county; one copy to each justice of the supreme court, and each judge of the court of appeals; one copy to each legislative library, and each State department; two hundred copies to the trustees of the State library, for literary and scientific exchanges. The remainder shall be delivered to the trustees of the State library, and such trustees shall reserve sufficient copies for the future use of the State, and in their discretion sell the balance at a price to be fixed by them, and pay the proceeds into the treasury of the State.

§ 4. Six thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, to carry this act into effect, and the same shall be paid by the Treasurer on the warrant of the Comptroller in such sums and to such persons as the Secretary of State shall approve. The work herein authorized shall not be begun unless it can be completed for the sum herein appropriated.

§ 5. The title page of each volume shall state that it was published pursuant to this act, and the same may be cited in any action or proceeding with the same force as the original edition.

§ 6. This act shall take effect immediately.

STATE OF NEW YORK,  
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

FREDERICK COOK,  
Secretary of State.

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STATE OF NEW YORK, }  
OFFICE OF THE SECRETARY OF STATE, } ss.:

I hereby certify that the Laws, contained in this volume, were republished by me pursuant to chapter three hundred and forty-one of the Laws of eighteen hundred and eighty-five.

FREDERICK COOK,  
Secretary of State.



# L A W S

OF THE

## STATE OF NEW YORK.

PASSED AT THE  
TWENTIETH SESSION OF THE LEGISLATURE.

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### CHAP. 1.

**AN ACT** concerning the appointment and election of the charter officers of the cities of New York, Albany and Hudson and concerning the mayors court of the city of New York.

PASSED the 3d of January, 1797.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the person administering the government of this State for the time being, by and with the advice and consent of the council of appointment, yearly and every year hereafter, to appoint the several charter officers in the respective cities of New York Albany and Hudson, who are to be annually so appointed, at any time during the session of the legislature in each year; and every such present or future officer so appointed, shall hold his office for one year from the time of his appointment and until another shall be appointed, and sworn in his stead, any law charter custom or usage to the contrary notwithstanding.

Charter officers in certain cities, appointment of.

*And be it further enacted by the authority aforesaid,* That it shall and may be lawful for every person hereafter appointed mayor of the city of New York, at any time within twenty days after such appointment, to take the oaths prescribed by the charter of the said city to be taken by every person appointed mayor thereof, in the presence of any three or more of the aldermen of the said city, before such person or persons as may be appointed by commission under the great seal of this State, in the nature of a dedimus potestatum, to administer the oaths required to be taken by persons holding offices under this State

New York, oath of office of mayor.



in the city of New York any thing in the said charter to the contrary notwithstanding.

Where  
person  
elected to  
office not  
qualified.

*And be it further enacted by the authority aforesaid,* That in case any person, at any time hereafter elected to any office in either of the said cities, shall not be legally qualified to serve in such office, then and in every such case, it shall be lawful for the common council of such city, as soon as they discover the same, to order a new election to be held for electing another person in the room of the person so unqualified, in the same manner as if the said office had otherwise become vacant.

*Whereas* a representation has been made to this Legislature by the mayor aldermen and common council of the city of New York under their corporate seal, that certain alterations in the charter of the said corporation are expedient to remedy inconvenience arising from some of the provisions therein. For remedy whereof.

Common  
pleas,  
court of,  
where to  
be held by.

*Be it further enacted by the authority aforesaid,* That the mayor and recorder of the city of New York, or either of them for the time being, shall from time to time and at all times hereafter, have power to hold the court of common pleas called the mayors court, of and in the said city of New York without the presence of any of the aldermen of the said city, any law charter custom or usage to the contrary notwithstanding. But nothing herein contained shall be construed to prevent any of the aldermen of the said city, from fitting as judges in the said court.

Writes in  
court of  
common  
pleas, how  
worded.

*And be it further enacted by the authority aforesaid,* That in the records of judgments and other process and proceeding in the said court of common pleas called the mayors court of and in the said city of New York, after the first day of February next, instead of the words "mayor recorder and aldermen of the city of New York, or of the same city," the words "judges of the same court" shall be inserted. And from and after the said first day of February next, all writs and process issuing out of or returnable into the same court, shall be made returnable "before the judges of the same court." And all writs directed to the same court, shall be directed to "the judges of the court of common pleas called the mayors court in and for the city of New York."

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## CHAP. 2.

AN ACT further to continue the treasurer of this State in office.

PASSED the 3d of January, 1797.

Gerard  
Bancker  
continued  
as State  
treasurer.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That Gerard Bancker shall be and hereby is continued in office as treasurer of this State, until sixty days after the rising of the Legislature at their next meeting after the first day of July, which will be in the year of our Lord one thousand seven hundred and ninety eight.

Oath of  
office.

*And be it further enacted,* That the said Gerard Bancker, if he shall take upon him the execution of the said office, shall on or before the tenth day of January next, appear before one of the justices of the supreme court of this State and take the following oath "I Gerard Bancker appointed treasurer of the State of New

York, do solemnly and sincerely swear and declare in the presence of Almighty God, that I will during my continuance in the said office, well, faithfully and honestly, to the best of my knowledge and ability, execute all and every of the duties appertaining to the said office, and that I will not on any occasion or pretence, apply any money, securities, or other effects which shall or may come to my hands, belonging to the said State, to any private uses or purposes whatsoever; and that when my accounts as treasurer shall be examined in manner directed by law, I will exhibit a true account of such monies, securities and and other effects, under this my oath of office. So help me God."

*And be it further enacted,* That the Speaker of the Assembly for the time being, shall take a bond from the above named Gerard Bancker on or before the tenth day of January next, with not less than four sufficient sureties, to the people of this State, in the sum of twenty thousand pounds, lawful money of this State, with a condition, that the said Gerard Bancker, shall and will well, faithfully and honestly execute and perform the duties of the said office; which bond when so taken, shall be lodged in the secretary's office of this State.

*And be it further enacted,* That if the said Gerard Bancker, shall upon the expiration of the time for which by this act he is continued in office, procure and lodge in the office of the secretary of this State, a certificate duly executed by the committee to be appointed for the settlement of the accounts of the said General Bancker, expressing that his accounts as treasurer are regularly stated and balanced; and also that the balance of monies, securities and other effects belonging to the State, if any there be, are actually in the treasury or deposited as directed by law; such certificate when lodged in the office of the Secretary of this State as aforesaid, shall be to all intents and purposes, a discharge of the bond directed by this act to be given by the treasurer, with sureties, for the faithful performance of the duties of his office as aforesaid.

Bond to be given.

Discharge of former bond.

## CHAP. 3.

### AN ACT concerning writs of error.

PASSED the 13th of January, 1797.

*Be it enacted by the People of the State of New York represented in Senate and Assembly, and is hereby enacted by the authority of the same,* That no writ of error shall hereafter be issued to remove any record from the supreme court into the court for the trial of impeachments and the correction of errors unless the party applying for such writ shall produce and deliver to the officer whose duty it is to issue or seal such writ, a certificate signed by a counsellor at law in the supreme court of this State, setting forth, that he has inspected or examined such record and the proceedings in the cause, or copies thereof, and that in his opinion there is error in substance therein; and if any officer shall issue or seal any such writ of error without such certificate, he shall forfeit to the adverse party, one hundred pounds, to be recovered with costs of suit in any court of record by action of debt, bill, plaint or information, and shall also upon conviction thereof forfeit and lose his office.

Writs of error, allowance of.

## CHAP. 4.

AN ACT authorizing the treasurer of this State to receive the principal and interest of the public stock which he may hold in trust for this State as the same shall from time to time become due.

PASSED the 13th of January, 1797.

Preamble.

WHEREAS by the existing law, the treasurer is directed to receive the interest on such stock as he may hold in trust for this State ; but no provision is made authorizing him to receive the principal thereof, as the same shall become payable. Therefore.

Treasurer to receive principal of United States stock.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the treasurer of this State for the time being, shall be and he hereby is authorized and required to receive as well the principal as the interest now due and from time to time to become due of all such stock, created under the laws of the United States, as he may hold in trust for this State for the use of this State.

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## CHAP. 5.

AN ACT concerning the assessment of damages in certain cases, in courts of law.

PASSED the 20th of January, 1797.

Assessment of damages on default.

*Be it enacted by the People of the State of New York represented in Senate and Assembly and is hereby enacted by the authority of the same,* That from and after the first day of July next, when any interlocutory judgment shall be given in any court of law by default or upon demurrer or confession in any action upon any bill of exchange or promissory note for the payment of money, or upon any written contract for a sum certain, tho' payable in specific articles, or upon a like contract for specific articles at a value or price stipulated in the same contract, or covenant for the payment of money only, instead of awarding a writ of inquiry, the court shall direct the clerk of such court if a court of common pleas, and if the supreme court, then the clerk of the said supreme court, or the clerk of the court of common pleas of the county where the venue shall be laid, unless the venue shall be laid in the county where the supreme court shall sit, then and in such case, the clerk of the supreme court only, and it is hereby made the duty of such clerks respectively to perform the service, to examine, ascertain and determine, what sum the plaintiff ought to recover for damages; and either party may except to such report, and upon such exception, the court shall hear and examine the matter, and cause justice to be done to the parties, and shall give judgment for the plaintiff for the sum so reported, or in case of exception to the report, for the sum so ascertained by the court, and the judgment shall be entered on the record without entering thereon such reference to the clerk, or any of the proceedings in consequence thereof, in the usual form of entering judgments by confession, where the amount of the damages is confessed, except, that instead of the words "his damages aforesaid above confessed" the following words shall be

inserted, that is to say, "his, (or her or their) damages by occasion of the premises to (the sum for which the judgment is given) by the court here assessed," or words of like import.

*And be it further enacted by the authority aforesaid,* That from and after the said first day of July next, when any plaintiff shall obtain judgment upon any bail bond taken in any such action as aforesaid, or in any action of debt upon judgment or recognizance, or upon any specialty or contract for the payment of money only, unless the defendant in the original action shall appear and obtain leave to plead therein, the courts respectively as aforesaid, shall direct the clerks respectively as aforesaid, and it is hereby made the duty of such clerks respectively to perform the service, to examine ascertain and report to the court, the amount of the debt or sum of money due to the plaintiff in the original action, and either party may except to such report, and upon such exception, the court shall hear and examine the matter, and cause justice to be done to the parties; and the plaintiff shall cause the sum so reported, or ascertained, with the amount of the costs in the original suit and in the suit upon the bail-bond to be indorsed upon the execution to be issued upon the judgment obtained on such bail-bond, and may cause the same and the poundage thereon, and no more, to be levied by virtue thereof; and when any plaintiff shall obtain judgment upon any bail-bond taken in any other action, unless the defendant in the original action shall appear and obtain leave to plead therein, the court shall direct common bail to be filed for the defendant in such original action, and order a judgment to be entered therein by default, and award a writ of inquiry thereupon; and upon the return of such writ of inquiry, the plaintiff may cause the damages found by the jury, with the amount of the costs in the original suit, and in the suit upon the bail-bond, and the poundage thereon, and no more, to be levied on the judgment on such bail-bond, and shall cause the same to be indorsed on the execution to be issued in the action on such bail bond.

Judgment  
upon bail  
bond, etc.

*And be it further enacted by the authority aforesaid* That the clerks respectively as aforesaid shall have one dollar for every such report, and the attornies and witnesses shall have the like fees for their attendance upon the clerk for the purpose of making such report, as they are entitled to for attending upon the execution of a writ of enquiry, but no more than one attendance shall be allowed.

Fees for  
attendance  
before  
clerk.

*And be it further enacted by the authority aforesaid,* That in those cases where the courts shall direct their clerks, to examine, ascertain and determine, what sum the plaintiff ought to recover for damages, it shall not be necessary at any time hereafter, to prove the giving or executing any bill of exchange, promissory note, covenant or contract, "specially and truly set forth in the plaintiffs declaration," but the production thereof to the clerk shall be sufficient evidence of the giving or executing of the same.

Evidence  
on bills,  
notes and  
contracts.

*And be it further enacted by the authority aforesaid,* That in those cases, where it shall be necessary to adduce evidence to the clerks, they shall be and hereby are authorized to swear any witness or witnesses offered, and shall if required by either of the parties at the time of taking the same, reduce the testimony to writing, and shall report the same to the court on being required.

Evidence  
of wit-  
nesses.

*And be it further enacted by the authority aforesaid* That the clerks shall indorse on such note bill or contract, that judgment hath been rendered thereon and the amount of the damages ascertained therein and shall sign their name thereto.

Indorse-  
ment on  
note, etc.

## CHAP. 6.

### AN ACT for the support of the St. Domingo French refugees in the city of New York.

PASSED the 20th of January, 1797.

Appropriation for St. Domingo refugees.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That a sum not exceeding twenty five hundred dollars be, and the same is hereby appropriated to be paid by the treasurer of this State out of any monies not otherwise appropriated in the treasury for the support of such of the inhabitants of St. Domingo, resident in the city of New York as shall be found in want of such support.

Manner of expending.

*And be it further enacted,* That in order to secure the due application of the monies aforesaid, the same shall be placed under the direction of the person administering the government of this State, and it shall be lawful for him from time to time to draw the said monies or any part thereof from the treasury of this State by warrant or warrants under his hand, and the privy seal of the said State, and to cause the distribution thereof to be made for the relief of the persons aforesaid in such manner and by the hands of such persons as shall in his opinion appear most conducive to the humane purposes hereby intended.

Accounts to be reported.

*And be it further enacted,* That a regular statement of account shall be kept of the monies so expended, and that the same be reported to the legislature of this State at their next session. *Provided however* that in case the French Republic or its minister or other authorized agent shall afford support and maintenance for the said inhabitants of St. Domingo now resident as aforesaid in the city of New York, that then and from thenceforth the provision herein contained shall cease and be void. And it is hereby declared, that the foregoing appropriation is made in full confidence that all sums of money expended in and about the premises shall be credited by the United States to this State in case any provision is or shall be made by the congress of the United States in similar cases.

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## CHAP. 7.

### AN ACT to remove doubts concerning the courts of common pleas and general session of the peace in the county of Onondaga.

PASSED the 20th of January, 1797.

Preamble.

*WHEREAS* by the act entitled "An act relative to the courts of common pleas and general sessions of the peace in the county of Onondaga" it appears to have been the intention of the legislature that the court should adjourn to such places in the towns of Manlius and Scipio as the judges of such courts should in their discretion deem meet and proper; and doubts having arisen, whether such adjournment to any house other than the house of Seth Phelps, would not vitiate the proceedings of the court held at the house of John Rich-

ardson in the town of Scipio. For removal of which doubts and for further provision in the premises.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That all process made returnable in the said court of common pleas on the last Tuesday of September last and all proceedings depending in the same court and the said court of general sessions of the peace then held at the house of the said John Richardson shall be and are hereby declared valid, and in no wise discontinued. Process in Onondaga court of common pleas declared valid.

*And be it further enacted* that the said courts of common pleas and general sessions of the peace, shall, on the last Tuesday of January instant be holden at such place in the town of Manlius in the same county as the same courts at their last sessions adjourned to. And until further legislative provision be made in the premises, the future sessions of the courts of common pleas and general sessions of the peace for the said county of Onondaga shall be held at the times and places following, that is to say; on the fourth Tuesday of May next, at such place in the town of Scipio as the last September term of the same court was holden at; on the fourth Tuesday of September next at the house of Andrew Dunlaps in the town of Ovid in the said county; and on the fourth Tuesday of January, one thousand seven hundred and ninety eight, at the house of Comfort Tyler in the said town of Manlius, and so in succession thereafter at the times and places and in the order above mentioned, any former act to the contrary notwithstanding. Courts in Onondaga county, when and where held

## CHAP. 8.

### AN ACT concerning the supreme court.

PASSED the 24th of January, 1797.

*Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same,* That from and after the term of January in the present year, the supreme court of judicature of this State shall begin sit and be held at the four several terms following, to wit, on the last Tuesday of July, and the third Tuesdays of January April and October in every year; and that the said several terms of the said courts shall continue and be held from the times of their commencement every day except Sunday, until and including Saturday in the next ensuing week; and that the term commencing on the last Tuesday of July, shall be called July term, and shall be held in the city of New York; and the term commencing on the third Tuesday of October shall be called October term, and shall be held in the said city of New York; and the term commencing on the third Tuesday of January shall be called January term, and shall be held in the city of Albany; and the term commencing on the third Tuesday of April shall be called April term and be held in the said city of Albany. Supreme court, terms of.

*And be it further enacted by the authority aforesaid,* That there shall be in each of the said terms two common days of return only, that is to say, the first day and the Tuesday in the next ensuing week of each term, but that the process in proceedings by bill or otherwise except on original writs if issued in term, may be tested any day in Return days in the supreme court.

that term and be made returnable on any day in the same term or the next term, and if issued in the vacation, may be tested on any day in the preceding term and be made returnable on any day in the next term.

Writs, how made returnable.

*And be it further enacted by the authority aforesaid,* That all writs and process to be issued from and after the expiration of October term in the present year and returnable in the said supreme court shall be made returnable as follows, that is to say, "before our justices of our supreme court of judicature, at the city hall of the city of New York, or city of Albany, as the case may be, and proceedings in the said court which have heretofore been supposed to be before the people of this State, shall thereafter be before the justices of the people of the State of New York of the supreme court of judicature of the same people.

No trial at bar without leave.

*And be it further enacted by the authority aforesaid* That no issue in any civil cause shall hereafter be tried at the bar of the said supreme court without the leave of the said court for that purpose first had and obtained.

Justices of nisi prius, trials before.

*And be it further enacted by the authority aforesaid* that from henceforth the chief justice of the said court or in his absence or default, any other judge of the said court shall or may at his discretion as a justice of nisi prius, by virtue of this act and without any other commission for the purpose in term time, or within twenty days after the end of every or any term in the city hall of the city of New York, or in the city hall of the city of Albany, on such days as the court shall appoint for the purpose, try all manner of issues joined or to be joined in the said court or brought into the said court to be tried, which by the ordinary course of the laws of this State ought to be tried in the said court by a jury of the city and county of New York or by a jury of the city and county of Albany, upon the like process and proceedings, and in like manner as trials are had in the like cases at the circuit court in and for the city and county of New York, or city and county of Albany; and shall have power to take juries, award tales de circumstantibus, record nonsuits and take verdicts in like manner and form as is used at the said circuit courts. And that the sheriff of the city and county of New York for the time being, and the sheriff of the city and county of Albany or other proper officer to whom the same may be directed, shall make return of all process for summoning juries for the said trials before the said chief justice or other judge, and shall give their attendance upon the said chief justice or other judge as well for returning such tales as shall be prayed de circumstantibus for the trying of the said issues as for the doing and executing of all other things to the said office of sheriff in such case belonging and appertaining. And that all persons who shall be empaneled upon such juries and the parties to the same issues and suits and the witnesses for the same shall be charged and bound in the same manner, and upon the like pains and penalties for their non-appearance and non-attendance or for their or any of their misdemeanor or default before the said chief justice or other judge as they should have been if the said issue had been tried in the said supreme court. And that all the several trials so to be had before the said chief justice or other judge shall stand and be as good and available in law as if the same had been tried at a circuit court held in and for the city and county of New York, or for the city and county of Albany; and that the clerk of the supreme court shall be considered as clerk of the court for the trial of the said issues. And that the said chief justice or other judge who shall at any time

Summoning of juries.

hold the said court for the trials of the said issues may continue the same from day to day, Sunday excepted, for as many days as he shall think necessary. *Provided always* that the times of the said sittings in any term shall always be appointed in the next preceding term, and the times of the said sittings after any term shall always be appointed in the next preceding term but one.

*And be it further enacted by the authority aforesaid* That the act entitled An act to appoint the place of holding the supreme court of judicature of this State in future and to prolong the terms thereof and for other purposes therein mentioned" and the third section of the act entitled "An act for the further amendment of the law" shall be and hereby are repealed from and after the second day of April next.

Act recited  
repealed.

## CHAP. 9.

AN ACT relative to the money of account of this State.

PASSED the 27th of January, 1797.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That from and after the first day of July next, all accounts in the treasury of this State; all accounts in the county treasuries; all accounts in the several other public offices within this State, all assessment rolls and all accounts arising from proceedings in the courts of justice within this State, except as to bills of cost, shall be kept and made out in the money of account of the United States, that is to say, in dollars or units, dismes or tenths, cents or hundredths, mills or thousandths; a dollar being four tenths of the pound heretofore used as the unit of money of account in this State, a dime being a tenth part of a dollar, a cent the hundredth part of a dollar, and a mill the thousandth part of a dollar.

In what  
currency  
public ac-  
counts to  
be kept.

*And be it further enacted,* That in all the judgments and decrees to be made or given in any court of justice after the said first day of July next for any debt, damages or costs, the amount thereof shall be computed and ascertained as near as may be in dollars and cents, rejecting lesser fractions if any; and in all executions to be issued thereon, it shall only be necessary to mention the said amount in dollars and cents. And no judgment, decree or other proceeding shall be considered as erroneous for or by reason of the omission of the fractional parts of a cent in any such computation.

Id., judg-  
ments and  
decrees.

## CHAP. 10.

AN ACT for the relief of the heirs and devisees of Andries Onderdonk deceased.

PASSED the 27th of January, 1797.

*Be it enacted by the People of the State of New York represented in Senate and Assembly, and is hereby enacted by the authority of the same,* That it shall and may be lawful to and for the heirs and devisees

Property  
left by will  
of Johan-  
nes Mutta,



deceased,  
for school  
purposes  
in Haver-  
straw, how  
disposed  
of and ap-  
plied.

of Andries Onderdonk deceased in due form of law, to grant release and convey unto the consistory of the first reformed Protestant Dutch church of New Hempstead in Orange county, and their successors for ever, all that certain tract of land in Clarks Town in the said county of Orange, which was conveyed to the said Andries Onderdonk by the commissioner of forfeitures for the middle district, pursuant to the directions of the act entitled "An act for the speedy sale of the confiscated and forfeited estates within this State, and for other purposes therein mentioned," in trust, to the uses mentioned in the last will and testament of Johannes Mutts, late of the precinct of Haverstraw in the said county of Orange deceased. And that it shall and may be lawful to and for the said consistory of the first reformed Protestant Dutch church of New Hempstead in Orange county and their successors, to sell the said lands either at public vendue or private sale, for the most money that can be gotten for the same; and to make and execute good and sufficient deeds and conveyances for the same to the purchaser or purchasers thereof, who shall hold the same to him her or them, and his her or their heirs and assigns for ever, discharged of and from the said trust; and it shall be the duty of the said consistory of the first reformed Protestant Dutch church of New Hempstead in Orange county, and their successors, to put the money arising from such sale, out at interest on good security in this State, or vest the same in the stock of the United States, and apply the interest thereof as the same shall become due, and be by them received, to the use and support of a free school in the late precinct of Haverstraw in the said county of Orange according to the true intent and meaning of the said last will and testament of the said Johannes Mutts deceased.

*And be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the said consistory of the first reformed Protestant Dutch church of New Hempstead in Orange county and their successors, to call the heirs, devisees and executors of the said Andries Onderdonk, to account for the rents and profits of the said land, and to settle and adjust such accounts, and shall apply all the monies to be received by them on such account to the use aforesaid*

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## CHAP. 11.

AN ACT for the apportionment of the funds for support of the poor in the town of German Flatts, in the county of Herkimer.

PASSED the 3d of February, 1797.

Division of  
poor  
monies in  
former  
town of  
German  
Flatts.

*Be it enacted by the People of the State of New York, represented in Senate in Assembly, That as soon as may be after the first Tuesday in May next the supervisors and overseers of the poor of the towns of German Flatts, Warren, Franckfort and Litchfield in the county of Herkimer, shall by a notice to be given for that purpose by the supervisors of the said respective towns, meet together, and divide the monies raised for the support of the poor in the former town of German Flatts previous to the division thereof, between the aforesaid towns and shall make such division on principles of equity; and if the supervisors and overseers of the poor of the towns aforesaid cannot*

agree upon such division of the monies aforesaid, then and in such case the supervisors of the county of Herkimer shall at their next meeting, divide the monies as aforesaid, in such a manner as shall appear to them, just & equitable.

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## CHAP. 12.

**AN ACT** to suspend the powers of the commissioners for erecting a State prison in the county of Albany.

PASSED the 8d of February, 1797.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same,* That the powers of the commissioners appointed by law, for erecting and building a State prison in the county of Albany shall be and hereby are suspended until further legislative provision shall be made in the premises; and that the said commissioners shall cause the conveyances for the land they have purchased for the purpose aforesaid, to be duly approved, or acknowledged and recorded in the office of the secretary of this State, and then deposit the originals in the treasury of this State. And it shall be the duty of the surveyor general for the time being, to lease out the said land from year to year for the benefit of this State until other legislative provision shall be made in the premises; and to receive the rents and profits thereof, and account to the State for the same; and the said commissioners are hereby directed and required to settle all contracts made by them, concerning the premises in the best manner they can, and sell and dispose of all the materials purchased by them for the purpose aforesaid, and settle all their accounts, and pay the ballance into the treasury without delay.

Powers of commissioners for building State prison at Albany, suspended.

*And be it further enacted by the authority aforesaid,* That the thirty-fourth section of the act entitled "An act for making alterations in the criminal law of this State and for erecting State prisons" shall be and hereby is repealed; and that the State prison to be built in the city of New York, shall be considered as the State prison for the whole State.

Part of act recited repealed.

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## CHAP. 13.

**AN ACT** regulating the holding of circuit courts in this State.

PASSED the 10th of February, 1797.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same,* That the circuit courts in the several counties in the western district shall yearly commence on the days following, that is to say; in the county of Schoharie on the first Tuesday in May, and in the county of Otsego, on the second Tuesday in May; in the county of Tioga, on the tenth day thereafter; in the county of Steuben on the tenth day thereafter; in the county of Ontario on the eighth day

Circuit court, terms of, western district.

Eastern district.

Middle district.

Southern district.

Designation of judges.

thereafter; in the county of Onondaga on the eighth day thereafter; in the county of Herkimer on the tenth day thereafter; and in the county of Montgomery on the tenth day thereafter in every year; but if such day shall happen to be Sunday, then and in every such case the court shall commence the next day. And that the circuit courts in the several counties of the eastern district shall yearly commence on the days following, that is to say; in the county of Saratoga, on the third Tuesday in May; in the county of Clinton, on the first Monday in June; in the county of Washington, on the third Monday in June; in the county of Rensselaer, on the fourth Monday in June; and in the city and county of Albany, on the first Monday in September in every year. And that the circuit courts in the several counties of the middle district shall yearly commence on the days following, that is to say, in the county of Orange, on the first Monday in June; in the county of Dutchess, on the second Monday in June; in the county of Ulster, on the third Monday in June; and in the county of Columbia, on the fourth Monday in June in every year. And that the circuit courts in the several counties of the southern district shall commence on the several days following, that is to say, in Kings county on the last Tuesday in August; in Queens county on the first Tuesday in September; in Suffolk county, on the second Tuesday in September, in Westchester county on the second Tuesday in October; in Richmond county, on the second Tuesday in November; and in the city and county of New York, on the third Tuesday in November in every year. And that in every year one of the judges of the said supreme court to be designated for the purpose in the manner hereinafter directed shall hold the said circuit courts in the several counties in the western district; and another of them to be designated for the purpose as aforesaid shall hold the said circuit courts in the several counties in the eastern district; and another of them to be designated for the purpose as aforesaid, shall hold the said circuit courts in the several counties in the middle district; and another of them to be designated for the purpose as aforesaid, shall hold the said circuit courts in the several counties in the southern district. And that the judges of the said supreme court or such of them as shall then attend, shall on the first Friday of the term of April in every year, determine and designate which of the judges shall hold the circuit courts in each of the great districts in that year, and cause an entry thereof to be made in the minutes of the said supreme court; and it shall be the duty of each of the judges so designated and appointed for that purpose, to hold the said circuit courts in the several counties of the district for which they shall be so respectively appointed; and in case any judge whose duty it shall be to hold any of the said circuit courts in any year shall by sickness or otherwise be unable to hold the same, he shall give notice thereof to the judge not appointed to hold any of the said circuit courts in that year, and it shall then be the duty of such judge to whom such notice is given, to hold such of the said circuit courts in that year, as the judge so unable to attend ought otherwise to hold; and in case of the death of either of the judges whose duty it shall be to hold any of the said circuit courts in any year, then it shall be the duty of the judge not appointed to hold any of the said circuit courts in that year to hold such circuit courts instead of the judge so deceased. And any judge of the said supreme court, altho' not present at the commencement or opening of any such court may hold and continue such court in the absence of the judge who was

present at the commencement or opening of the same court, and to do and execute every thing therein as fully in every respect as if he had been present at the commencement or opening of the same court, any law usage or custom to the contrary notwithstanding.

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## CHAP. 14.

AN ACT for altering the place of holding the courts of common pleas and general sessions of the peace of the county of Washington for the term of February.

PASSED the 10th of February, 1797.

*Be it enacted by the People of the State of New York represented in Senate and Assembly*, That it shall and may be lawful for the judges and justices of the court of common pleas and general sessions of the peace of the county of Washington to be held on the second Tuesday of February next, on that day to adjourn the said court to meet again on the same day or on the next day, at the dwelling house of Mary Dean in the town of Kingsbury in the said county, and not at any other place, any law to the contrary thereof notwithstanding, and that the remainder of the said term, and all future courts to be held thereafter for the term of February in the said county shall be held at the place last aforesaid.

Place of  
holding  
court  
changed.

*And be it further enacted*, That the other terms of the said courts respectively, that is to say, the terms of May & November shall continue to be holden at the town of Salem in the county of Washington aforesaid, at the court house in the said county.

Other  
terms,  
where held.

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## CHAP. 15.

AN ACT for keeping in repair certain private roads in Orange Town in the county of Orange.

PASSED the 10th of February, 1797.

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That the commissioners of the highway in Orange Town, in Orange county for the time being, or a majority of them are hereby authorized and required to cause the road on the south side of the Slote creek, and the road leading from the highway by the house of John Sneed on the salt meadow in said town and the bridges across the small creeks and such fences and swinging gates thereon as they or a majority of them may deem necessary to be erected and kept in repair for ever hereafter, at the expence of the proprietors of that part of the salt meadow which lies on the southerly side of the said creek according to the value of their respective lots or shares therein by a tax to be levied assessed collected and paid, in the same manner as is directed by the act for defraying the public and necessary charge in the respective counties of this State. *Provided always* that the said commissioners shall have their account audited and allowed by the supervisors of the said county at their annual meeting.

Orange  
town,  
Orange  
county,  
repair of  
certain  
roads in.

*And Whereas* several of the proprietors of the said salt meadow have voluntarily paid to the commissioners the sum of five shillings per acre to purchase a free passage into the said meadow. Therefore

Credit to  
be given to  
certain tax  
payers.

*Be it further enacted* That the said commissioners who received the same shall on or before the first day of May next deliver to the supervisor for the time being a list containing the names of every person who hath paid the said sum of five shillings per acre for the purchase of a free passage into the said salt meadow and for repairing the said road, and it is hereby made the duty of the supervisor in making out the tax lists to deduct the money so advanced by him, her, or them, out of the first tax raised by virtue of this act.

## CHAP. 16.

AN ACT to amend the act entitled An act to prevent the bringing in & spreading of infectious diseases in this State.

PASSED the 10th of February, 1797.

Commis-  
sioners of  
the health  
office of  
the city of  
New York.

*Be it enacted by the People of the State of New York represented in Senate and Assembly*, That there shall be three persons appointed commissioners of the health office of the city of New York, who shall assemble from time to time as occasion may require, at the health office, for the dispatch of the business to them entrusted; and that the said commissioners together with the health officer for the time being for the said city, and who by virtue of his office shall always be a member of the said office, or a majority of them, shall be and hereby are invested with all and singular the powers granted to the commissioners of the health office for the said city in and by the said act entitled "An act to prevent the bringing in and spreading of infectious diseases in this State," and that from and after the appointment of the said three commissioners, all the powers vested in the present commissioners of the said health office shall cease.

Cleaning  
and scour-  
ing of  
streets, &c.

*And be it further enacted*, That it shall be lawful for the said commissioners and health officer, or a majority of them, from time to time as they shall judge adviseable, to make and execute rules and orders for cleaning and scouring the streets, allys, passages, curtilages, sewers, yards, cellars, vaults, sinks and other places within the said city, & for removing all offensive or putrid articles or substances which may be stored or otherwise collected within the said city. And all necessary expences in carrying the said rules and orders into effect, shall be deemed as part of the contingent expences of the said city, and shall be raised by the mayor, aldermen and commonalty of the said city as the other contingent expences of the said city are raised. *Provided nevertheless* that all such rules or orders shall be reported to, and may be suspended or repealed at any time by the person administering the government of this State.

Coasting  
vessels,  
quaran-  
tine of.

*And be it further enacted*, That all coasting vessels coming from any place south of Cape May, although not subject to quarantine of course, shall be liable to examination, if the health officer shall deem it expedient, by some fit person, to be by him deputed, who shall have such reasonable compensation for his services and paid by the commissioners, as they shall deem right. And that quarantine shall in all cases continue as many days as the commissioners shall deem necessary.

And that no vessel hereafter arriving in the port of New York otherwise and subject to quarantine, of course shall be exempted from such quarantine by reason of having previously touched or entered at any port within the United States, unless such vessel shall have remained in such port for the space of ten days.

*And be it further enacted* That upon complaint being made in writing by the health officer, or either of the said commissioners, to the wardens of the port of New York, charging any of the pilots of the said port, with a breach of any of the rules or regulations prescribed by, or in pursuance of this act, or of the act entitled "An act to prevent the introduction and spreading of infectious diseases in this State," it shall be the duty of the said wardens forthwith to suspend such pilot or pilots from piloting any vessel, until he shall have entered into a recognizance in the sum of two hundred dollars with sufficient security before a magistrate to appear and answer to the offence, at the then next court of general sessions of the peace to be held in and for the city and county of New York.

Breach of rules by pilots.

*And be it further enacted* That from and after the first day of July next, no person shall dress sheep or lamb skins, or manufacture glue, nor shall any soap boiler or tallow chandler, or starch maker, or maker or dresser of vellum carry on any of their processes or operations of their said trades which produce impure air, or offensive smells, such as trying or melting of fat or tallow, boiling soap, fermenting grain or other substances for starch, washing, fermenting or oiling skins for vellum at any place within the city of New York, south of the south side of Grant street, and of the south side of the said street, continued until it intersects the easterly side of Mulberry street, and south of the west line from the intersection aforesaid continued to Hudsons river, under the penalty of one hundred dollars for each offence to be recovered in an action of debt with costs of suit, by any person who shall sue for the same in the court of common pleas called the mayors court of the said city; one half whereof shall be to the use of the plaintiff, and the other half shall be brought into court and by the order thereof paid to the treasurer or chamberlain of the said city, to be disposed of to the use of the poor thereof in such manner as the mayor, aldermen and commonalty of the said city shall from time to time direct.

Certain occupations prohibited within certain limits.

*And be it further enacted*, That it shall be lawful for the mayor, aldermen and commonalty of the said city of New York to treat and agree with such of the owners or proprietors of the manufactories, trades or business prohibited as aforesaid for the taking down, removal and replacing the vessels and fixtures used in such manufactories and trades, in such part of the said city in which such manufacturers and trades may by this act be established and prosecuted; and in case no agreement can be made with the owners or proprietors of any such manufactories or persons prosecuting such trades as aforesaid, then in such case it shall and may be lawful to and for the said mayor and recorder, and any two or more of the said aldermen, by virtue of this act, by a precept under their hands and seals to command the sheriff of the said city & county of New York to impannell and return a jury of twelve freeholders to appear before the mayors court of the said city at any term not less than three weeks from the date of such precept, to inquire into and ascertain the reasonable compensation which should be made to such owners or proprietors for such taking down, removal and replacing as aforesaid; which said jury being first duly sworn faithfully and impartially to enquire into and ascertain such compen-

Removal of factories in prohibited limits; damages for removal.

sation shall proceed to ascertain the same; and the sum found by their verdict shall be paid by the said mayor, aldermen and commonalty of the said city of New York, to the said owners or proprietors, and shall be deemed as part of the contingent expenses of the said city, to be raised, levied, and collected as the other contingent expences of the said city are levied, collected and paid : *Provided always* that after such decision by the jury, it shall be optional with the said mayor aldermen and commonalty, either to pay the amount of the compensation found by the jury, or within one month thereafter, at their proper expence to take down remove and replace such vessels and fixtures in such place as the owners and proprietors thereof shall direct, and in such part of the said city as by this act such manufactories or trades as aforesaid may be established.

## CHAP. 17.

**AN ACT** to amend an act relative to certain confiscated lands in the counties of Saratoga and Montgomery.

PASSED the 11th of February, 1797.

Preamble.

*Whereas* by an act of the legislature of this State passed the 6th day of April 1796 entitled "An act relative to certain confiscated lands in the county of Saratoga and Montgomery" the surveyor general of this State was authorized to sell and quit claim, on the part of the people of this State, certain undivided lots of land, which became the property of this State, by the attainder of Isaac Low, lying in the patent of Kayaderosseras, to the possessors of the said lots.

*And Whereas* the enacting clauses of the said act, do not expressly include any lands lying in the county of Montgomery, although the said act was intended to include all the undivided parts of the said lots of land so forfeited, lying as well in the county of Montgomery, as in the county of Saratoga. Therefore

Act recited  
extended  
to Mont-  
gomery  
county.

*Be it enacted by the People of the State of New York represented in Senate and Assembly*, That the aforesaid act shall be holden to extend to all the said undivided lands lying in the county of Montgomery, forfeited by the attainder aforesaid, as well and in the same manner, as to the aforesaid lands lying in the county of Saratoga; and that the surveyor general shall have like authority to dispose of the same; and everything in the said act contained, shall be holden to extend as well to such of the aforesaid lands lying in the county of Montgomery as to those lying in the county of Saratoga.

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## CHAP. 18.

**AN ACT** relative to the acknowledgment of deeds.

PASSED the 11th of February, 1797.

Acknowledgment  
of convey-  
ances; per-

*Be it enacted by the People of the State of New York represented in Senate and Assembly*, That no judge or master in chancery, or other officer authorized to take the acknowledgment or proof of deed con-

veyances or other writings, relating to lands tenements and real estates, shall after the first day of May next, take any acknowledgment of any deed or conveyance of, or writing relating to any lands tenements or hereditaments situated in this State, unless he shall then know, or have satisfactory evidence, that the person making such acknowledgment, is the person described in, and who has executed such deed conveyance or writing, nor take any proof of any such deed conveyance or writing from any person as a subscribing witness, unless he shall then know such person, or have satisfactory evidence that he is the subscribing witness; nor unless he shall have satisfactory evidence that such witness knew the person who executed such deed conveyance or writing; all of which shall be inserted in the certificate of such acknowledgment or proof, indorsed upon such deed or conveyance.

son to be known to officer.

*And be it further enacted,* That it shall not be lawful for the secretary of this State, or any clerk of either of the cities or counties of this State to record or register any deed, conveyance or writing aforesaid thereafter to be acknowledged or proved unless the same shall be acknowledged or proved in the manner by this act directed; which acknowledgment or proof shall be recorded therewith.

Conveyances not to be recorded unless properly acknowledged.

*And be it further enacted,* That it shall be the duty of every judge or other officer, who shall take the acknowledgment or proof of any deed conveyance or other writing, any wise relating to any lands or tenements in this State, in the certificate of such acknowledgment or proof, to set forth, what witnesses, if any, were examined before him, and the substance of the evidence by him or them given. And that every person who shall forge or counterfeit, or be aiding or assisting in forging or counterfeiting any such certificate or indorsement herein before mentioned to be made, and be thereof convicted according to the due course of law, shall be deemed guilty of felony, and be punished as in cases of felony.

What to be set forth in certificate of acknowledgment.

*And be it further enacted* That if either of the said judges or other officers authorised to take the acknowledgment or proof of deeds, or clerks or any other person intrusted by him, shall be guilty of any neglect or misdemeanor, or fraudulent practice in the execution of this act, such judge officer & clerk shall respectively for each and every such neglect, misdemeanor or fraudulent practice in the execution of this act, be liable to pay treble damages with full costs of suit to every person injured thereby, to be recovered by action on the case, or by by action of debt, bill plaint or information, in any court of record in this State.

Fraudulent practice, penalty for

## CHAP. 19.

AN ACT for the relief of James Requa & Ezekiel Canfield.

PASSED the 16th of February, 1797.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the surveyor general be and he hereby is authorized and directed to deliver to James Requa of the town of Mount Pleasant in the county of West Chester, a deed executed to him by the late commissioners of forfeitures for the southern district, for one hundred and fifty acres of land in the said town of Mount Pleasant formerly the manor of Philips-burgh, upon his first paying into the treasury of this State, the sum of fifty pounds with interest

James Requa, lands granted to.



thereon at the rate of six per cent. per annum from the thirtieth day of August one thousand seven hundred and eighty eight; and executing and delivering to the treasurer of this State to and for the use of the people thereof, a bond conditioned for the payment of one hundred and fifty pounds with like interest thereon from the said thirtieth day of August one thousand seven hundred and eighty eight, by two equal installments in one & two years from its date, together with a mortgage duly acknowledged and recorded, on the land contained in the said deed, for securing the payment of the said bond, and producing to the surveyor general a certificate from the treasurer of his having done the same; and the said deed when delivered, shall thenceforth be deemed and taken to be valid and effectual in law.

Ezekiel  
Canfield,  
lands  
granted to.

*Be it further enacted*, That the surveyor general of this State be and he is hereby authorized and required to convey lots number eleven, sixteen & seventeen in Mayfield in the county of Montgomery unto Ezekiel Canfield, and to his heirs and assigns for ever, upon his paying for the same the appraised value thereof, according to the appraisement made by Josiah Throop, Gershom Woodworth, and William Lard, with the interest thereof, at the rate of six per cent. from the 25th day of April 1794. *Provided always* that in the conveyance to be given by the surveyor general, the following words shall be inserted vizt : "These presents however are not to operate as a warranty."

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## CHAP. 20.

AN ACT concerning the recovery of debts and demands to the value of ten pounds in the city of New York.

PASSED the 16th of February, 1797.

Preamble.

WHEREAS the appointing assistant justices to hear try and determine causes in the city and county of New York by virtue of the act entitled "An act for the more speedy recovery of debts to the value of ten pounds," has not been attended with all the benefits thereby intended, and it is conceived that a better mode may be adopted in the city of New York for the recovery of debts and demands not exceeding ten pounds. Therefore

Justices of  
the peace  
for New  
York  
county.

*Be it enacted, by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the person administering the government of this State for the time being, by and with the advice and consent of the council of appointment from time to time to appoint and commission justices of the peace in and for the city of New York, with power to keep the peace in the said city, and to hear and determine all causes in the city and county of New York, made cognizable before justices of the peace by the said act entitled "An act for the more speedy recovery of debts to the value of ten pounds," and also to hear and determine all actions and informations upon any statute of this State and upon any bye-law of the said city, made or to be made where the penalty of forfeitureshall not exceed ten pounds, doing therein that which to justice doth or shall appertain. And the persons so appointed and commissioned as aforesaid as justices of the peace in and for the city of New York, or any two or more of them

shall have power and authority, and are hereby authorized, empowered and required to hold a court for the purposes aforesaid, at the city hall of the city of New York, and therein to hear and determine all such matters of debt, causes, actions and informations as are made cognizable before them by this act according to the directions of the said act entitled "An act for the more speedy recovery of debts to the value of ten pounds," and the several other acts amending, explaining or altering the same, and according to the directions herein after mentioned. And for that purpose two of the said justices for the time being, according to the rotation herein after mentioned, shall from and after the first day of May next, meet, sit and hold the said court in the city-hall of the city of New York, every day, except Sundays, and except the first day of January, the fourth day of July, the twenty fifth day of November, and the twenty fifth day of December in every year. And it shall be the duty of the said justices of the peace in and for the city of New York to hold the said court according to the following rotation, that is to say, the first and second persons named in the commission shall attend and hold the said court the first week, and the third and fourth the second week, and so on until all the said justices shall have served one week, if they consist of an even number, or otherwise all but one, and then the persons first and last named in the said commission shall attend and hold the said court the next week and the second and third persons named therein the week after, and so on in the like rotation thereafter. *Provided always* that nothing herein contained shall be construed to exclude or debar any of the said justices although they be not in rotation, from setting in the said court, but that all and every of them shall and may when and so often as they shall respectively think fit, sit and give judgment therein, and in case of the death or inability of any of the said justices whose duty it may be to attend the said court according to the said rotation at any time, then and in every such case, it shall be the duty of him who is next in rotation, to attend the said court in the place of him so deceased or unable to attend. And if the justices present at any time in the said court shall be equally divided upon any question before them, the senior justice present, that is, he whose name stands first in the commission, shall have the casting vote.

*And be it further enacted by the authority aforesaid,* That the said justices shall hold their offices during the pleasure of the council of appointment; and that new commissions to the justices of the peace in and for the said city, shall be issued at least once in every three years. Term of office.

*And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said justices of the peace in and for the said city of New York for the time being or the major part of them, by writing under their hands and seals, from time to time as occasion shall require; to appoint a clerk of the said court, and from time to time to remove any such clerk, and to appoint another in his stead. And that it shall be lawful for the said justices, and they are hereby required, to cause a seal to be made for the said court. Clerk to be signed by seal.

*And be it further enacted by the authority aforesaid,* That all applications for process for the recovery of any debt or demand by virtue of this act, shall be made to the said court, or to the clerk of the same court and not otherwise; and that all process to be issued out of the said court, shall be tested in the name of the justices of the peace in and for the city of New York, and be signed by the clerk of the Process to be signed by clerk.

said court with his name, and with the words "by the court" and sealed with the seal of the said court.

Clerk,  
records to  
be kept by.

*And be it further enacted by the authority aforesaid,* That the clerk of the said court shall cause to be made, and entered or registered in proper books to be kept for that purpose, a docket or register of all summonses, warrants, precepts, executions and process to be issued by the said court; and of the returns to all such summonses warrants and executions; and also proper entries of all acts, orders, dismissions, decrees, judgments, adjournments and proceedings of the said court; and also the substance of the plaintiffs charge or demand, and of the defendants plea.

Proof of  
debt on de-  
fault of  
defendant.

*And be it further enacted by the authority aforesaid,* That in all cases when judgment shall be given in the same court against any defendant by default, the plaintiff shall prove his debt or demand in the same manner as if the defendant had denied it by plea.

Jurisdic-  
tion of  
court.

*And be it further enacted by the authority aforesaid,* That it shall and may be lawful for all persons as well attorneys as others, to sue and be sued, implead and be impleaded in the said court hereby instituted in any lawsuit or action cognizable before the said justices, any law usage or custom to the contrary notwithstanding, saving the privilege of freedom from arrest of such attorneys or other person whose duty it shall be to attend, on any other court in the said city during the sessions of such court. Provided always.

Gambling  
debts.

*And be it further enacted by the authority aforesaid,* That this act or any thing herein contained shall not extend to any debt or demand for any money or thing won, at or by means of any horse race, cock match, or any kind of gaming play or wager, although the same shall not exceed the value of ten pounds.

Powers of  
justices in  
criminal  
matte

*And be it further enacted by the authority aforesaid,* That the justices of the peace in and for the city of New York, to be appointed and commissioned by virtue of this act, shall jointly and severally have, exercise and enjoy all the powers and privileges of justices of the peace as to the keeping of the peace in the city and county of New York except the right and power of holding courts of sessions of the peace, or sitting as judges in any court of sessions of the peace to be held in and for the city and county of New York, by the mayor recorder and aldermen of the said city, or any three or more of them, of whom the mayor or recorder always to be one. And each of the said justices shall have the like power to commit offenders and to take recognizances for their appearance, and for their keeping the peace, and for their good behaviour, and to take recognizances for the appearance of witnesses against offenders, as any other justice of the peace in any other county of this State hath by law and all recognizances taken by the said justices of the peace in and for the city of New York, or any or either of them for the appearance of any person in any court shall, together with the examinations and evidence taken before such justice or justices, be delivered by him or them to the court in which the person for whose appearance such recognizance is taken, is to appear.

Two jus-  
tices to be  
present.

*And be it further enacted by the authority aforesaid,* That no judgment shall be given, nor any rule or order made, in any cause in the said court to be held before the said justices of the peace, in and for the city of New York, nor any conviction had in the same court upon any statute or law, unless two of the same justices at the least shall be present, and if only one of them shall attend on any court-day, he shall adjourn the said court to the next court day, and if on any court

day neither of them shall attend, then the clerk of the same court shall adjourn the court to the next court day.

*And be it further enacted by the authority aforesaid,* That in every record of conviction before the said justices of any offence against the act entitled "An act for suppressing immorality," or the act entitled "An act to lay a duty of excise on strong liquors and for the better regulating of inns and taverns" the names of the justices before whom the conviction shall be had shall be inserted, and instead of the words "mayor or recorder or one of the aldermen" the words "justices of the peace" shall be inserted, and instead of the words "given under my hand and seal" the words "witness the said justices" shall be inserted.

Record of conviction for certain offenses.

*And be it further enacted by the authority aforesaid,* That every summons to be issued out of the said court in any action of debt or trespass, or trespass on the case shall be in the form following "the people of the State of New York; to the constables and marshalls of the city of New York, and to every of them greeting: We command you to summon A. B. if he shall be found in the said city, to be and appear before our justices of the peace in and for the city of New York at the city hall of the said city on the                      day of                      next (or instant) at                      of the clock in the forenoon, to answer C. D. (of a plea of debt of                      (mentioning the sum). And if it be for a penalty for the breach of any law specifying the offence, as of a plea of debt, of ten pounds forfeited by the said A. B. by selling by retail one pint of rum without having such permit as is mentioned in the act entitled "An act to lay a duty of excise on strong liquors, and for the better regulating of inns and taverns" as is said) or (of a plea of trespass) or (of a plea of trespass on the case) to his damage                      ) as is said, and have then there this precept: Witness our justices of the peace in and for the city of New York at the city hall of the said city the                      day of                      in the                      year of our independence, and in the year of our Lord                      By the court

Forms: summons.

clerk." And every warrant to bring a defendant to answer, shall be in the following form: "The people (as in the case of a summons) we command you to take A. B. if he shall be found in the said city, and bring him forthwith before our justices of the peace in and for the city of New York, at the city hall of the said city, to answer C. D. of a plea, (as in the case of a summons.)" And every execution against the goods and chattels of any person for any debt damages or costs recovered or adjudged in the said court shall be in the following form: "The people (as in the case of a summons) we command you to cause to be made of the goods and chattels of A. B. in the said city, the sum of (                      if for debt "which C. D. lately in our court before our justices of the peace in and for the city of New York recovered against him of debt, and also the sum of                      adjudged by the same court to the said C. D. for his damages which he hath sustained, as well by occasion of the detention of that debt, as for his costs and charges by him about his suit in that behalf expended." And if for damages, then "which C. D. lately in our court before our justices of the peace in and for the city of New York, recovered against him for his damages in a certain action of trespass" or "trespass on the case," and also the sum of                      adjudged by the same court to the said C. D. for his costs and charges by him about his suit in that behalf expended," and if for a ballance found due to the defendant then "lately in our court before our justices of the peace in and for the city of New York adjudged to C. D. as a ballance due to him

Warrant.

Execution against property.

from the said A. B. in a certain action lately brought by the said A. B. against the said C. D. in the same court and also the sum of        adjudged by the same court to the said C. D. for his costs and charges by him about his defence in that behalf expended," and if for costs only, then "lately in our court before our justices of the peace in and for the city of New York, adjudged to C. D. for his costs and charges sustained by him about his defence in a certain action brought against him in the same court by the said A. B.") And have you that money before our justices of the peace in and for the city of New York, at the city hall of the said city on the        day of        next, to render to the said C. D. for his "(debt and damages.)" Or ("for his damages and costs") or (for his ballances and costs, or (for his costs) aforesaid. And have you then there this precept. Witness (as in case of a summons.)" And every execution against the body of any person for any debt, damages or costs recovered or adjudged in the said court, shall be in the following form "the people (as in the case of a summons)" we command you to take A. B. if he shall be found in the said city, and bring him forthwith before our justices of the peace in and for the city of New York, at the city hall of the said city; to satisfy C. D. of the sum of        (which he lately in our court before our justices of the peace in and for the city of New York recovered against the said A. B. of debt, and also of the sum of        adjudged by the same court to the said C. D. for his damages which he hath sustained, as well by the occasion of the detention of that debt, as for his costs and charges by him about his suit in that behalf expended." And if for damages, then "which he lately in our court before our justices of the peace in and for the city of New York recovered against the said A. B. for his damages, in a certain action of trespass" or "trespass on the case," and also of the sum of        adjudged by the same court to the said C. D. for his costs and charges by him about his suit in that behalf expended," and if for a ballance found due to the defendant, then, "lately in our court before our justices of the peace in and for the city of New York, adjudged to him as a ballance due to him from the said A. B. in a certain action lately brought by the said A. B. against the said C. D. in the same court, and also of the sum of        adjudged by the same court to the said C. D. for his costs and charges by him about his defence in that behalf expended" and if for costs only "then" lately in our court before our justices of the peace in and for the city of New York, adjudged to him for his costs and charges by him about his defence in a certain action brought against him in the same court by the said "A. B.") And have you then there this precept. Witness (as in the case of a summons.)" And every person taken by virtue of such execution shall be brought before the said court, and if any person so taken and brought before the said court, or brought before the said court by warrant, and a judgment shall thereupon be given against him, shall there alledge, that he is not liable to be imprisoned for the cause mentioned in such execution, or on account of such judgment so had the justices then present shall examine into the truth of the matter, and if they shall find that such person is not liable to be imprisoned for the said cause, they shall cause such person to be discharged from such arrest. But if they should be of opinion that such person is by law liable to be imprisoned for the said cause if no such allegation shall be made and the money mentioned in such execution, or for which the judgment is given is not there paid, then they shall cause an entry to be made in the minutes of the same court, purporting, that such person "is committed to the gaol of the

Body  
execution.

Determina-  
tion of  
liability to  
imprison-  
ment.

city and county of New York in execution for the "debt damages and costs, or damages and costs, or costs mentioned in such execution or judgment, and cause a precept to be issued for conveying the person so committed to the said gaol, which precept shall be delivered to one of the constables or marshalls of the said city, who shall thereupon convey the person so committed, to the gaol of the city and county of New York, and there deliver him together with the same precept to the keeper of the said gaol, who shall there receive and safely keep the person so committed in execution in the said gaol, until he shall be thence delivered by due course of law. And if any person taken by virtue of such execution or warrant shall be discharged from such arrest by the said justices as aforesaid, such taking and discharge shall not operate as a release or discharge of the debt or demand for which such person was so taken, nor prevent any execution for the same against the goods and chattels of the person so discharged, nor shall the person who caused such execution or warrant to be issued, or any person who shall execute the same, be liable to any suit or damage on account of such discharge. And in all cases where part of the debt damages or costs shall have been paid or levied, and any execution is issued for the residue, such execution shall be only for the sum remaining due, to which shall be added in the execution the words "being the residue of" the sum recovered or adjudged, mentioning the amount thereof. And every precept for conveying any person to the said gaol who shall be so committed shall be in the following form.

Precept for imprisonment.

"The people of the State of New York; "to the constables and marshalls of the city of New York and to the keeper of the gaol of the city and county of New York, and to each and every of them" greeting: We command you the said constables and marshalls to convey A. B. to the said gaol and there deliver him to the keeper thereof; and we command you the said keeper there to receive the said A. B. into your custody, and to keep him safely in the said gaol in execution at the suit of C. D. for debt and damages and costs, (or for debt and costs," or "for damages and costs," or "for costs" as the case may be,) until he shall be delivered by due course of law. Witness (as in the case of a summons.)" And in all actions of debt the interest due to the plaintiff, if any, shall be added to the costs of the suit, but the debt damages and interest, if any allowed, and costs shall be separately specified in the indorsement on the execution. And all process for summoning jurors to appear in the said court shall be in the following form. "The people of the State of New York: To the constables and marshalls of the city of New York, and to every of them, greeting: We command you to summon twelve good and lawful men of the city of New York who are in no wise of kin to C. D. the plaintiff nor A. B. defendant nor interested in the controversy between them, to be and appear in our court before our justices of the peace in and for the city of New York, at the city hall of the same city on the day of next (or instant,) at of the clock in the noon, to make a jury to try a certain action depending in our same court between the said parties; and have you then there the names of that jury and this precept" (as in the case of a summons).

Venire.

*And be it further enacted by the authority aforesaid* That no more than one jury shall be summoned to attend the same court on any one day, and if there shall be more than one cause to be tried in the same court on that day, the same jurors shall be returned in each cause.

One jury only to be returned in one day.

And every person qualified to serve as a juror upon trials in the mayors court of the city of New York, shall be considered as duly qualified to serve as a juror upon trials in the said court before the said justices.

Powers of constables and marshals.

*And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any constable or marshal of the said city of New York to execute the process to be issued by the said justices in any part of the said city, and any such constable may execute such process as well in any other ward of the said city, as in the ward where he is chosen constable.

When body execution may issue.

*And be it further enacted, by the authority aforesaid,* That no execution shall be issued against the body of any person upon any judgment to be obtained by virtue of this act until an execution shall have been issued against the goods and chattels of such person, and duly returned, except in cases where a defendant shall be brought before the said court by warrant and shall not give security, and a judgment shall thereupon be given against such defendant. And the whole amount of the money to be levied or paid upon any execution to be issued by virtue of this act, shall be mentioned therein, including the costs for executing the same with the other costs of the suit. And the clerk of the said court shall endorse upon every such execution, whether against the goods and chattels or the body of any person, the amount of the debt damages and costs to be levied or paid thereon, and sign his name to the same indorsement, and no greater sum shall be levied or taken in any case, or by virtue of such execution.

Fees; justices.

*And be it further enacted by the authority aforesaid,* That the following, and no greater or other fees shall be allowed taxed or taken in any actions or proceedings by virtue of this act, that is to say; fees to the said justices to be divided among them in manner herein after mentioned. For every summons or warrant, twelve cents. For taking security of a defendant, twelve cents. For every venire to summons a jury, twenty cents. For a subpoena for each witness, six cents. For administering an oath in court, six cents. For swearing a jury, twenty cents. For every judgment or conviction, twelve cents. For every commitment, twelve cents. For every execution, twenty cents. For taking the acknowledgment of satisfaction of a judgment, six cents. And the clerk of the said court shall receive the said fees, and account to the said justices for the same at least once in every month, and oftner if required by the said justices or a majority of them, and shall divide and pay the amount thereof to and among such of the said justices as shall have attended the said court during the time in which the same fees shall have been received in proportion to the days each of them shall have attended the said court respectively during that period. Fees to be taken by the clerk of the said court to his own use. For entering every action, six cents. For entering the return of every summons warrant or execution, six cents. For entering the substance of the plaintiff's charge or demand upon the return of the process against the defendant, when served, twelve cents. For entering the substance of the defendants plea, twelve cents. And if such charge demand or plea is exhibited in writing, the same shall be filed in the office of the said clerk. For entering the commitment of any person, six cents. For entering every judgment, ten cents. For entering acknowledgment of satisfaction of a judgment, six cents. For copies of proceedings in the said court when required for every seventy two words, ten cents. For every Constables search, six cents. Fees to to the constables and marshalls. For serv-

Division of fees

Clerk.

Constables

ing every summons, twelve cents. For serving every warrant, twenty five cents. For taking a defendant into custody on a mittimus or commitment, twelve cents. For conveying a person to gaol, twelve cents. For summoning a jury, forty cents. For serving an execution for two and a half dollars or under, twenty-five cents. And at the rate of twelve cents for every two and an half dollars more. For travelling, if the person arrested is taken above one mile from the city hall, for every mile going only, ten cents. Fees to jurors. For every cause tried, each twelve cents. Fees to witnesses and charges for summoning them. Each witness attending and sworn, twelve cents. Serving a subpoena on each witness, twelve cents.

and mar-  
shals.

Jurors.

Witnesses.

*And be it further enacted by the authority aforesaid,* That besides the fees herein before allowed to the said justices, each of them shall be allowed and paid the further sum of three dollars for every day they respectively sit and hold the said court, according to the rotation aforesaid, to be paid quarter yearly by order of the mayor aldermen and commonalty of the city of New York in common council convened, out of the money to arise from the excise on strong liquors, and the licences to be granted to retailers thereof in the said city. But none of the said justices shall be paid or allowed any thing, except their proportion of the said fees for any time they may sit in or hold the said court when not in the said rotation.

Per diem  
allowance  
to justices.

*And be it further enacted by the authority aforesaid,* That the registers and books of entry for the said court hereby instituted or copies thereof proved, shall be deemed legal evidence of the acts and proceedings of the said court.

Registers  
to be evi-  
dence.

*And be it further enacted by the authority aforesaid,* That the mayor recorder and aldermen of the city of New York for the time being, or any three or more of them, of whom the mayor or recorder to be one, shall hold the courts of sessions of the peace in and for the city and county of New York, and each of them the said mayor, recorder and aldermen shall hereafter have the power of justices of the peace in and for the city and county of New York as fully and in the same manner as if this act had not been made.

Courts of  
sessions.

*And be it further enacted by the authority aforesaid,* That the twentieth section of the said act entitled "An act for the more speedy recovery of debts to the value of ten pounds" shall be and hereby is repealed from and after the first day of May next.

Part of act  
repealed.

*And be it further enacted by the authority aforesaid,* That this act shall be adjudged, deemed and taken to be a public act.

Public act.

## CHAP. 21.

### AN ACT for appointing a comptroller in this State.

PASSED the 17th of February, 1797.

*Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same,* That an officer shall be appointed in this State, to be called and known by the name of "The Comptroller of the State of New York," who shall do, perform and execute, all matters and things heretofore required by law to be done by the auditor of this State; and it shall also be the duty of such comptroller to draw warrants on the treas-

Comptrol-  
ler, ap-  
pointment  
of; duties.



urer for the payment of the salaries and wages of all the legislative, executive, judicial and ministerial officers of the government of this State; and for the payment of all monies by law directed to be paid to any other person; and to examine and liquidate claims against this State in all cases in which provision is or shall be made by law, and give his warrant on the treasurer for payment of the amount or balance due thereon, who shall thereupon pay the same out of any money then in the treasury not otherwise appropriated; and in cases where no provision shall have been made by law, and in cases where the comptroller cannot adjust the claim without legislative interposition, he shall examine the claim and report the facts concerning it with his opinion thereon to the legislature; and to examine, adjust and settle the accounts of all persons indebted to the State, and certify the amount or balance to the treasurer; and to keep an account between this State, and the Treasurer and therein charge him with the balance in the treasury and with all monies received by him, and credit him with all warrants drawn on him as aforesaid; and to call on all public officers and others intrusted with public money, or who shall have received any money belonging to this State, and shall not have accounted for the same as they ought; to settle their accounts, and on refusal or neglect to do so, to cause suits to be brought against them; and to exhibit to the legislature yearly at their first meeting after the first day of January in each year, a complete statement of the funds of the State and of the annual revenue thereof; and of the amount of the salaries of the officers of government and other contingent expences and other appropriations paid in the preceding year, distinguishing which are permanent; and to suggest any improvements that may be made in the premises; and to loan upon good land security in this State, all monies which may at any time be in the treasury not otherwise appropriated, nor necessary to be retained for the support of the government of this State, not exceeding one thousand dollars to any one person, taking a bond and mortgage in the name of the people of the State of New York, to secure the re-payment thereof with interest at the rate of six per cent per annum, the interest to be paid annually, and the principal at the end of ten years; and the mortgage to contain a covenant that the mortgaged premises are free from all incumbrances whatsoever, and the bond to be conditioned as well for the performance of the covenants contained in the mortgage as for the payment of the money loaned with interest; and no sum to be loaned of a greater amount than one half the value of the land mortgaged to secure it, exclusive of the buildings thereon; but no money to be advanced to any borrower, until such bond and mortgage shall be duly executed and the mortgage duly acknowledged or proved and registered according to law in the office of the clerk of the county in which the mortgaged premises shall be situated, and be delivered to the comptroller with such certificates as he shall think necessary to require, to show that the mortgaged premises are free from all other incumbrances; and then the comptroller shall give the borrower a warrant on the treasurer for the money so to be loaned, and shall deposit the bond and mortgage in the treasury.

Comptroller to discharge mortgages when paid.

*And be it further enacted* That upon the payment of any money in the treasury, the treasurer shall forthwith certify the same to the comptroller who shall thereupon charge the treasurer with the amount thereof; and when the amounts of the money due on any mortgage heretofore given or hereafter to be given to secure the payment of any

money to the people of this State, or to any person other than loan officers, in trust for the people of this State shall be paid to the treasurer, the comptroller shall give a certificate thereof, which being duly proved and minuted on the margin of the registry of such mortgage shall operate as a discharge of such registry.

*And be it further enacted* That it shall also be the duty of the comptroller, to cause suits to be brought and duly prosecuted against all persons who shall refuse or neglect to account for monies received by them belonging to this State, or who shall refuse or neglect to pay any money due to this State; and it shall be the duty of the attorney general of this State for the time being, or either of the assistant attorneys general to commence and prosecute all such suits; but no suit shall be commenced for any debt due to this State until six months after the same shall have become due and payable.

Suits for neglect to account.

*And be it further enacted*, That it shall be the duty of the comptroller to attend the legislature during their sessions, and all petitions and applications to the legislature for pecuniary compensation, when referred to the comptroller to make order, shall be by concurrent resolution, and when referred to him to report thereon, shall be by order of the house in which such petition shall be preferred.

Attendance on the legislature.

*And be it further enacted* That if at any time in any year there shall be legal demands on this State and by law directed to be paid and not sufficient money in the treasury to satisfy the same then and in every such case, it shall be lawful for the comptroller in the name and on behalf of the people of this State to borrow a sum sufficient for that purpose of the bank of New York or bank of Albany at the usual discount and to draw a warrant for the same in favor of the treasurer, and charge him with the amount thereof; but shall take care to draw a warrant on the treasurer for the repayment thereof as soon as there shall be money sufficient for that purpose in the treasury.

When moneys to be borrowed.

*And be it further enacted* That the comptroller shall be allowed as a compensation for his services and expenses including clerk hire office hire and stationary a salary of three thousand dollars a year payable quarter yearly, and it shall be lawful for him to draw warrants on the treasurer for the payment thereof as the same shall become due.

Compensation.

*And be it further enacted*, That this act shall take effect as to appointment of the comptroller from the passing thereof; but shall not take effect as to the duties to be performed by him, or as to his salary until the first day of May next.

When act to take effect.

*And be it further enacted*, That this act shall be and continue in force three years from the passing thereof and no longer.

How long to be in force.

## CHAP. 22.

AN ACT for the appointment of commissioners to settle such part of the line of division between the towns of Oyster Bay and Huntington, as is therein mentioned.

PASSED the 17th of February, 1797.

WHEREAS a controversy has for a long time existed between the towns of Oysterbay and Huntington respecting a part of the division line between the said towns; *and whereas* the said towns have by per-

Preamble.

sons duly authorised and appointed for that purpose united in an application to the legislature for an act appointing commissioners to settle the said controversy: Therefore

Commissioners to establish boundary line.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That Richard Hatfield, Ebenezer Purdy and Elias Newman Esquires, be and they are hereby constituted and appointed commissioners to hear and determine the controversy subsisting between the towns of Oysterbay and Huntington, relative to the western boundary line of the town of Huntington, from the meadow adjoining the South Bay to the Atlantic Ocean; and finally to ascertain, fix and determine the same —

Assistants.

*And be it further enacted,* That each of the towns aforesaid shall furnish such number of assistants as chain-bearers, flag-carriers, and for other services incident to the execution of this act, as the commissioners shall deem requisite, who shall attend upon the said commissioners, and perform the duties enjoined by them.

Survey of boundary.

*And be it further enacted,* That the commissioners aforesaid shall be and they are hereby authorized and empowered to run and determine the western boundary line of the town of Huntington, from the meadow adjoining the South Bay to the Atlantic Ocean; agreeable to the charters or letters patent, by which the lands, meadow and marsh within the two towns, were granted to the original proprietors or patentees, and according to such just and equitable construction, as the words of those instruments, and the evidence of other ancient and authentic records and documents relative to the premises will authorize; which determination shall be final and conclusive with respect to the jurisdiction of the said towns.

Oath to be taken.

*And be it further enacted,* That each of the said commissioners before he enters upon the execution of the duties enjoined by this act, shall take an oath before one of the justices of the supreme court of this State, or before one of the judges of the court of common pleas of any county of this State, faithfully and impartially to the best of his skill and judgment to perform the trust hereby reposed in him.

Examination of witnesses, etc.

*And be it further enacted,* That the said commissioners or any two of them shall be and they hereby are empowered to summon any person or persons to appear before them, when and as often as they shall think proper, to be examined concerning the said matters in controversy, and to bring with them all such books, papers and other written evidence as the said commissioners or any two of them shall think necessary, and it shall and may be lawful for the said commissioners or any one of them to administer an oath or affirmation to the witnesses to be examined before them, to declare the truth touching the matters in question; and if any person or persons being summoned by writing subscribed by any two or more of the said commissioners and duly served upon such person or persons, at least three days before the time required by such summons, for his, her or their attendance, and shall refuse or neglect to give such attendance, or to be examined on oath or affirmation, or to bring or produce such written evidence, as shall be required by the said commissioners, or any two of them, every such person so refusing or neglecting, not having a lawful and reasonable let or impediment to the contrary, and having been paid or tendered according to his or her degree or calling, such reasonable sums of money for his or her costs and charges as, having regard to the distance of the place, is necessary to be allowed in that behalf, shall forfeit for every such refusal or neglect the sum of fifty dollars, to be recovered with costs of suit in any court of record having cognizance

thereof, by action of debt to be brought in the name of the person or persons at whose request such witness was summoned.

*And be it further enacted* That the determination of the said commissioners, or any two of them as aforesaid being duly acknowledged or proved before a judge of the supreme court of this State, or a master in chancery in the same manner as deeds and other writings are proved and acknowledged, shall be entered of record in the office of the secretary of this State, and the same or a record thereof, or an exemplification of such record, shall be good evidence of such determination in all courts both of law and equity. Determination, filing of.

*And be it further enacted* That the determination aforesaid shall be made within one year after the passing of this act. One year allowed.

*And be it further enacted* That all the expences, costs and charges which shall arise or accrue in running and determining the boundary line aforesaid, or on account of any thing respecting the execution of the trust hereinbefore specified, shall be audited and allowed by the commissioners, and shall be equally paid and borne by the said parties, that is to say, one half by the town of Oysterbay, and the other half by the town of Huntington. Expenses, how paid.

## CHAP. 23.

AN ACT to render the funds of this State more productive of revenue.

PASSED the 17th of February, 1797.

**Preamble.**  
WHEREAS certain monies belonging to this State in the funds of the United States are made payable by installments in small sums: *And whereas* this State will be liable to much loss and embarrassment from annual provisions for reloading the said installments: *And whereas* economy requires that the public monies should be placed in the most productive situations: Therefore

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That it shall be lawful for the treasurer of this State to sell and transfer to the president directors and company of the Bank of New York, and that it shall be lawful for the said corporation to buy all the stock of the United States bearing a present interest of six per cent usually denominated six per cent stock, and all the stock to bear an interest of six per cent after the year one thousand and eight hundred, usually denominated deferred stock & held by him as trustee for this State, on the following terms, that is to say,—that the price of the said stocks shall be the nominal value thereof—that the purchase money shall be payable on the second Tuesday of May which will be in the year one thousand eight hundred and nine—that the purchase money for the six per cent stock, shall bear a present interest at the rate of six per cent per annum, payable half yearly; and the purchase money for the deferred stock shall bear a like interest after the year one thousand eight hundred. That the said corporation may sell the said stocks again in like manner as their other estate or property—that on the purchase of the said stocks, the total amount of the debts which the said corporation may at any time owe, may exceed the amount to which they are at present restricted, in the Sale of United States stocks to the banks of New York.

proportion which the aggregate sum of the nominal value of the said stocks, added to a million of dollars shall exceed the said sum of one million dollars—that as often as payments shall be made by the United States on account of the principal of the six per cent stock, the said corporation may from time to time buy stocks of the United States, to the nominal amount of the said payments, any thing in the act incorporating the stockholders of the said bank, to the contrary thereof notwithstanding—And that whenever during the period aforesaid the legislature shall deem the occasion to require it, the said corporation shall make loans to the State, to bear a like interest, and otherwise on such terms as shall be reasonable, and to such amount as the exigencies and circumstances of the said bank shall on each respective occasion, in the judgment of the directors thereof for the time being, permit.

Approval  
of gover-  
nor or at-  
torney  
general.

*And be it further enacted and it is hereby provided* That no obligation or covenant concerning the premises shall be passed or executed between the treasurer and the said corporation until the same shall have been approved by the person administering the government of this State for the time being, or by the attorney general thereof, together with one or more of such counsel learned in the law as the person administering the government of this State, shall for that purpose appoint.

Treasurer  
to be direc-  
tor of  
bank.

*And be it further enacted*, That if the said sale and transfer to the said corporation shall be made, then and in such case, the treasurer of this State for the time being, shall ex officio be one of the directors of the said corporation, in addition to the number of directors already prescribed by law; and that this provision shall continue until the purchase money aforesaid shall have been paid to the State: *Provided however*, that if the office of comptroller should hereafter be established, then the treasurer shall cease to be by this act a director, and the comptroller for the time being shall ex officio be one of the said directors.—

Statements  
to be made  
to gov-  
ernor.

*And be it further enacted*, That it shall be the duty of the director by this act appointed on the part of this State, to furnish to the person administering the government of this State, as often as he may require a statement of the amount of the capital stock of the said corporation, and of the debts due to the same; of the monies deposited therein; of the notes in circulation and of the cash on hand; any bye law, ordinance, or regulation of the said corporation to the contrary thereof notwithstanding.—

Banks of  
deposit for  
public  
monies.

*And be it further enacted*, That the Banks of New York and Albany shall be the places of deposit for all or such part of the public monies at any time in the treasury of this State, as the treasurer shall deem advisable to deposit in bank for safety or convenience.

Accept-  
ance of  
act by  
Bank of  
New York.

*And be it further enacted* That the acceptance of the aforesaid transfer by the said president directors and company of the Bank of New York shall be deemed and taken to be a full and complete acquiescence in, and consent on their part to, all and every the provisions contained in this act.

## CHAP. 24.

AN ACT to authorize the comptroller of this State to subscribe to the Bank of Albany.

PASSED the 24th of February, 1797.

WHEREAS by the act entitled "An act to incorporate the stock-  
holders of the Bank of Albany," it is enacted, that this State shall have a right to subscribe any number of shares to the said bank not exceeding in the whole, the number of fifty at any time when they shall by law authorize any person or persons for that purpose; and the State shall have a right to increase the number of shares and stock which the said corporation may hold to the amount of the number of shares so to be subscribed, if the number of shares therein limited shall be subscribed before such subscription shall take place on the part of the State. *And whereas* the number of shares limited to the said corporation have been already subscribed, and it is conceived proper, that this State should subscribe fifty shares to the said bank: Therefore

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That it shall and may be lawful for the comptroller of this State, and he is hereby authorized and directed, as soon as conveniently may be, to subscribe for and on behalf of the people of this State, fifty shares to the said bank, and to draw a warrant on the treasurer to pay for the same, out of the monies lately received by him on account of principal stock of the United States, which then stood in his name and the treasurer is hereby directed, to receive the certificates to be given for the said shares, and keep them in the treasury, subject to the direction of the legislature.—

*And be it further enacted,* That it shall and may be lawful for the comptroller of this State for the time being, from time to time to vote for directors of the said bank for and in respect to the said fifty shares, for and in behalf of this State, and from time to time to draw warrants in favor of the treasurer for the dividends and profits of the said shares, who shall receive and keep the same in the treasury of this State until disposed of by law.

*And be it further enacted,* That the shares in the said bank shall be and hereby are increased from six hundred, being the number limited by said act to six hundred and fifty shares; and that the stock of the said bank shall be and hereby is increased twenty thousand dollars, being the sum to be paid for the said fifty shares to be subscribed for this State as aforesaid.

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## CHAP. 25.

AN ACT to confirm the proceedings of the last courts of common pleas and general sessions of the peace held in the county of Onondaga.

PASSED the 24th of February, 1797.

WHEREAS by an act passed at the present sessions of the legislature it is enacted, that the courts of common pleas and general sessions of the peace, next thereafter to be holden in the county of Onondaga

should be holden on the last Tuesday of January in the present year. *And whereas* the said courts were not holden on the last Tuesday of January, but on the fourth Tuesday of that month. Therefore

Court proceedings  
legalized.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That all proceedings in the said court of common pleas and general sessions of the peace, held on the fourth Tuesday of January last, shall to all intents and purposes be as valid as if the same had been held on the last Tuesday of January last in conformity to the said act passed in the present sessions, any thing in the said act to the contrary notwithstanding.

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## CHAP. 26.

AN ACT to amend an act entitled "An act for the relief of Benjamin Birdsall and his associates.

PASSED the 24th of February, 1797.

**Preamble.** WHEREAS the act entitled "An act for the relief of Benjamin Birdsall and his associates directs the tract of land to be granted in pursuance thereof, to be laid into a number of lots correspondent to the number of shares in the said act described, with intent to grant the said lots in severalty to the persons respectively entitled to such shares; but no mode of designating the lots to be granted as an equivalent for such shares respectively, is prescribed by the said act: Therefore

Survey of,  
and balloting  
for lots,  
granted  
Benjamin  
Birdsall  
and others.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That it shall and may be lawful for the commissioners of the land office to cause the lots into which the said tract has been divided by the surveyor general to be balloted for in their presence, in such mode as they shall deem best calculated to make a fair and equal division thereof to and among the several persons respectively named in the said act, in proportion to their several interests in the said tract as particularly designated in the said act, and to cause letters patent to be issued to the persons named in the said act, for the lots drawn to their shares respectively on such ballot in the mode prescribed in and by the said act; and that in case of the death of any of the persons named in said act as entitled to any part of the said tract before such letters patent shall be issued, the share or shares of the persons so dead, shall in like manner be grafted to his or their heirs or assigns.

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## CHAP. 27.

AN ACT supplementary to the act entitled "An act for the relief of Wilhem Willink Nicholas Van Staphorst, Christian Van Eeghen, Hendrick Vollenhoven Rutger Jan Schimmelpenninck and Peter Stadnitski, being aliens.

PASSED the 24th of February, 1797.

Relief of  
Wilhelm  
Willink  
and others.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the protection privilege and benefit of the act entitled "An act for the relief of Wilhem Willink Nicholas Van

Staphorst Christian Van Eeghen Hendrick Vollenhoven, Rutger Jan Schimmelpenninck and Peter Stadniski being aliens," shall be construed and taken to extend as well to lands within this State, for the purchase of which any of the six persons had contracted and paid before the passing of the said act, and which at the time of the passing thereof were holden in trust for one or more of the said six persons, less than the whole, and to lands then holden in trust for Jan Wil-link, Jacob Van Staphorst, Nicholas Hubbard, Peter Van Eeghen, Isaac Ten Cate, Jan Stadniski and Aernout Van Beeftingh or any or either of them, together with the said six persons, or some of them, as to lands which were holden in trust for the said six persons collectively; and to their heirs or devisees of the said persons or any of them, subject always, to the conditions and restrictions in the said act specified, and to this further condition, that the declaration and oaths required by the second section of the said act, shall designate according to the truth of the case, the particular person or persons, for whom the said lands were holden in trust.

*And be it further enacted,* That the time allowed in and by the act to which this is supplementary for executing the declarations in writing therein mentioned, and for causing the same to be acknowledged or proved and recorded, shall be and the same is hereby extended and continued to the first day of July next, any thing in the said act to the contrary notwithstanding. Time extended.

## CHAP. 28.

**AN ACT to divide the town of Cherry-Valley, and altering the names of the towns therein mentioned.**

PASSED the 3rd of March, 1797.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That from and after the first Monday of April next, all that part of the town of Cherry-Valley, beginning on the east bank of Lake Otsego, at the south west corner of a patent granted to John Groesbeck and others, and running easterly and northerly along the bounds of the said patent to the north-east corner thereof, then westerly along the north bounds thereof and the same line continued to the county of Herkimer, then southerly along the east bounds of said county and the east bounds of the town of Otsego to Lake Otsego, then easterly and southerly along the waters thereof to the place of beginning, shall be and hereby is erected into a town by the name of Springfield. Springfield, town of, erected. And that the first town meeting be held at the meeting house in the said town. Middlefield. That all part of the town of Cherry Valley beginning at the mouth of Cherry-Valley creek and running due east to the east bounds of a patent granted to Volkert Oathoudt and others, then northerly along the bounds thereof to the south bounds of great lot number four in the said patent, then westerly along the bounds thereof to the west bounds of the said patent, then northerly along the bounds of said patent to the northwest corner thereof, then by a line to the southwest corner of a patent known by the name of Beaverdam, then northerly along the west bounds thereof to a patent granted to John Lindsey, then westerly and northerly along the bounds thereof to the



town of Springfield, then westerly along the bounds thereof to Lake Otsego, then northerly and westerly along the town of Springfield, to the town of Otsego, then southerly along the town of Otsego and the town of Suffrage to the place of beginning shall be and hereby is erected into a town by the name of Middlefield. And that the first town meeting in the said town be held at the house of James Horth.

**Worcester.** That all that part of the town of Cherry Valley beginning at the mouth of the Adequatangie or Charlotte creek and running along the northerly bounds of the town of Kortwright and Harpersfield to the county of Schoharie, then northerly along the bounds thereof to the second allotment of the tract of land called the Belvedier patent, then west along the south bounds of the said allotment to a patent granted to Alexander Mc. Gee and others, then northerly along the east bounds thereof to the north east corner of lot number two in the said patent, then westerly along the north bounds thereof and the same line continued to the town of Middlefield then southerly and westerly along the east and southerly bounds thereof to the town of Suffrage, then southerly along the same to the place of beginning, shall be and hereby is erected into a town by the name of Worcester. And that the first town meeting in the said town shall be held at the house of Silas Crippen. That the remaining part of the town of Cherry Valley, be and remain a town by the name of Cherry Valley; and that the first town meeting in the said town be held at the meeting house in the said town.

**Cherry Valley.**

**Town officers.**

*And be it further enacted* That the freeholders and inhabitants of each of the respective towns hereby erected, shall be and hereby are empowered to hold town meetings, and elect town officers as the freeholders and inhabitants of any town in this State may by law, and that the freeholders and inhabitants of each of the said towns respectively, and the town officers by them elected, shall have the like powers and privileges, and be subject to the like regulations and penalties as the freeholders inhabitants and town officers of the other towns in this State are entitled and subject to by law.

**Hempstead and Cornwall.**

*And be it further enacted* That the town of New Hampstead in Orange county, shall hereafter be called, known and distinguished by the name of Hempstead and the town of New Cornwall shall hereafter be called known and distinguished by the name of Cornwall, any law, usage or custom to the contrary notwithstanding.

## CHAP. 29.

AN ACT to erect part of the town of Palatine into two new towns.

PASSED the 3rd of March, 1797.

**Manhelm, town of, erected.**

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That all that part of the town of Palatine in the county of Montgomery included within the following boundaries, to wit, Beginning on the west side of the East Canada creek where it empties into the Mohawk river, thence westerly up said river to the division line between the counties of Montgomery and Herkimer, thence north along the same until an east line or course strikes the north west corner of a large lot number fourteen in a tract of land called Glen's purchase, thence easterly to the north east corner of

Glen's purchase, thence east to said East Canada creek, thence southerly along the same to the place of beginning shall be and hereby is erected into a town by the name of Manheim. And that part of said town of Palatine bounded south by said town of Manheim, west by the county of Herkimer, north by the north bounds of the county of Montgomery, and east by said East Canada creek, shall be and is hereby erected into a town by the name of Salisbury.

*And be it further enacted* That the freeholders and inhabitants of each of the respective towns hereby erected shall be and hereby are empowered to hold town-meetings and elect such town officers, as the freeholders and inhabitants of other towns in this State may do by law; and that the freeholders and inhabitants of each of the towns respectively, and the town officers to be by them elected, shall have the like powers and privileges, and be subject to the like regulations and penalties, as the freeholders, inhabitants and town-officers of the other towns in this State are entitled and subject to by law; and that the first town meeting of the town of Manheim shall be held at the house of Emanuel Waggoner in said town; and that the first town meeting in the said town of Salisbury shall be held at the house of Aaron Hackley in said town.

*And be it further enacted* That as soon as conveniently may be after electing town officers in each of the respective towns aforesaid, the supervisors and overseers of the poor of the remaining part of the town of Palatine and each of the other towns aforesaid, shall meet at the house of John Banker innholder in said town of Palatine by notice to be given for that purpose by the supervisor of the town of Palatine at least ten days before the time of meeting, and apportion the poor maintained by the said town of Palatine previous to the division thereof, between the said former town and the towns hereby erected in an equitable manner; and if the supervisors and overseers of the poor cannot agree upon such division of the poor as aforesaid, then and in such case the supervisors of the county of Montgomery shall at their next meeting thereafter, apportion and divide the poor maintained as aforesaid, in such manner as shall appear to them just and equitable, and the said towns thereafter shall respectively maintain their own poor.

## CHAP. 30.

AN ACT for raising a further sum of money for repairing the court house and goal in the county of Herkimer.

PASSED the 4th of March, 1797.

WHEREAS the supervisors of the county of Herkimer have requested that a further sum of money be directed to be raised on the inhabitants of said county, to repair the court house and goal of said county. Therefore

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the supervisors of the county of Herkimer, be and they are hereby authorized and required to direct to be levied and raised on the freeholders and inhabitants of the said county, the sum of seven hundred and twenty dollars, with an additional sum of five cents on the dollar for collecting the same, which sum shall be raised, levied and collected in like manner, as the other necessary and contingent charges of the said county are by law levied and collected.

When tax  
to be paid  
and how  
expended.

*And be it further enacted,* That the said sum of seven hundred and twenty dollars shall be collected and paid into the treasury of the said county, on or before the first day of October next; and the treasurer of the said county is hereby required and directed to pay the said sum of seven hundred and twenty dollars to the order of the commissioners appointed or to be appointed to repair the said goal, retaining in his hands the sum of one cent on the dollar for receiving and paying out the same.

Account-  
ing by com-  
missioners.

*And be it further enacted,* That the said commissioners shall account with the supervisors of the said county for the money so by them to be received and expended for the purposes aforesaid, when thereunto required.

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## CHAP. 31.

AN ACT for erecting a public building in the county of Albany,  
and for other purposes therein mentioned.

PASSED the 10th of March, 1797.

Commis-  
sioners to  
erect a  
public  
building in  
Albany.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That Philip Schuyler, Abraham Ten Broeck, Jeremiah Van Rensselaer, Daniel Hale and Teunis Ts. Van Vechten, be and they are hereby appointed commissioners to superintend the erection of a suitable building for the purposes hereinafter mentioned on such ground lying in the city of Albany, as the corporation of the said city may hereafter convey to this State as a donation for that purpose; or on such other ground lying within the limits of the said city of Albany, as the said commissioners by and with the consent of the person administering the government of this State for the time being may for that purpose provide; and if no convenient ground can be obtained within the limits of the said city, at a reasonable price whereon to erect such building, then to erect the same on such part of the lot of ground purchased for the use of the people of this State, by the commissioners appointed by law to erect a State prison in the county of Albany, as the commissioners herein named by and with the consent of the person administering the government of this State for the time being shall determine on, which building shall be so constructed as to contain commodious, secure and sufficiently extensive apartments for the safe keeping of all the records, books, papers and other things, belonging or in any wise appertaining to the office of the secretary of this State, and to the office of the clerk of the supreme court; and such other public papers as the legislature may from time to time direct to be deposited therein; and such building shall contain such additional apartments as may be requisite for offices for the secretary of this State, and for an office for a clerk of the supreme court. *Provided always,* That the expence of such building including the expence of such lot, and including the expence of the materials, shall not exceed ten thousand dollars.

Appropri-  
ation.

*And be it further enacted* That for defraying all needful expences that may accrue in erecting such building, it shall and may be lawful to and for the said commissioners out of the monies which were paid unto them as commissioners for erecting a State prison in the county of Albany to appropriate a sum not exceeding ten thousand dollars both

for the purchase of a convenient lot; if such purchase shall be necessary, and for erecting of such building as aforesaid.

*And be it further enacted* That as soon as the said commissioners or a majority of them, shall certify under their hands to the person administering the government of this State for the time being that the building so to be erected as aforesaid, is compleated, and fit for the reception of the records, books, papers and other things attached to, or in any wise relating or belonging to the offices afore said, the person so administering the government of this State, shall forthwith require and direct the secretary to remove as soon may be, the records, books, papers, and other things belonging or appertaining to his office, to the building so to be erected. And the said secretary is hereby authorized and required to remove and deposit the same accordingly; and the said office from and after the removal aforesaid shall be kept and held in the building aforesaid, any law to the contrary thereof notwithstanding.

Secretary's  
office to be  
removed  
to new  
building.

*And be it further enacted* That from and after the first day of November next, the office of the treasurer of this State, and the office of the comptroller thereof shall be holden and kept and remain within the city of Albany or in that part of the town of Watervliet laying between the north bounds of the said city, and the creek commonly called the fifth creek, and not more than one mile from Hudsons river.

Office of  
treasurer  
and comp-  
troller.

*And be it further enacted* That the said commissioners shall lay\* lay before the legislature at their next annual meeting, an account of all their expenditures by them made, and of all their proceedings by virtue of this act.

Account-  
ing by com-  
missioners.

*And be it further enacted* That the justices of the supreme court of this State shall as soon as may be after the passing of this act, appoint another clerk of the said court, which clerk shall have like powers, be subject to like duties, and be entitled to like fees for services by him performed, as the present clerk of said court; and that one of the clerks of the said court, shall keep his office in the city of New York, and shall attend the said court and officiate as clerk thereof, when the same court shall sit in the city of New York, and the other of the said clerks shall keep his office in the city of Albany until the building aforesaid shall be erected, and shall thereafter keep his office in the said building, and shall attend the said court and officiate as clerk thereof, when the said court shall sit in the county of Albany; and that it shall be lawful for the justices of the same court from time to time to direct such records and papers as they shall think proper to be removed from the clerks office in the city of New York and deposited in the said building so to be erected under the care of the clerk who shall hold his office therein. *Provided always*, that it shall be optional with the present clerk of the same court either to continue in the office to be kept in the city of New York or to take the office intended to be kept in the said building, at his election; and if he shall not make such election on or before the first Saturday in April term next, then the clerk to be appointed by virtue of this act, shall keep his office in the city or county of Albany in manner aforesaid.

Clerks of  
supreme  
court with  
office at  
Albany.

*And be it further enacted*, That it shall and may be lawful to and for the justices of the supreme court, and they are hereby authorized and required forthwith to cause an additional seal to be made for the said court, as nearly similar as may be to the present seal of the said

Seal for  
clerk at  
Albany.

court and to deposit the same with the clerk to be appointed, as directed by this act, and all writs, processes and other proceedings issued under such seal to be made shall be equally valid and effectual, as if the same had issued under the present seal of the said supreme court.

Meetings  
of legisla-  
ture.

*And be it further enacted* That in case the person administering the government of this State for the time being shall not on or after the first Monday of July, and before the first Tuesday in January in any year, convene the legislature by proclamation, then the legislature shall meet on the said first Tuesday in January, without any summons or notification whatsoever, at such place as the senate and assembly at their meeting next preceding the said first Tuesday in January shall have adjourned to, and in case there shall have been no such adjournment, or the senate and assembly shall not have adjourned to a place certain, then they shall convene on the first Tuesday in January then next at the city of Albany.

Act recited  
repealed.

*And be it further enacted* That the act entitled "An act to regulate the future meetings of the legislature, be and the same is hereby repealed.

Court of  
probates.

*And be it further enacted* That from and after the first day of June one thousand seven hundred and ninety eight, the court of probates of the people of this State shall be holden kept and remain within the city or county of Albany and the judge and clerk of the said court shall on or before the said first day of June, remove and safely convey to the said city or county of Albany, all the papers, books, minutes records and documents belonging or in any wise appertaining to the said court of probates. And that from and after the said first day of June, the said judge of the said court of probates, and the said clerk of the said court, shall reside within the city or county of Albany.—

Records of  
supreme  
court.

*And be it further enacted* That until another clerk of the supreme court shall be appointed in conformity to the provisions in this act contained, all papers, notices, pleadings, process, rules, judgments, records, and all manner of proceedings whatsoever relative to any suit, action or prosecution, which have been, or is in the supreme court now depending, or which shall or may be had or prosecuted therein, may respectively be filed and entered in the office of the deputy clerk of the supreme court in the city of Albany aforesaid, with like benefit and advantages to suitors, as if the same were or should be filed and entered in the office of the clerk of the supreme court.

Majority of  
commissioners  
may act.

*And be it further enacted* That the powers vested in the commissioners appointed by this act, shall and may be executed by the majority of them, or the majority of the survivors of them.

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## CHAP. 32.

AN ACT to divide Steuben, in the county of Herkimer into three towns.

PASSED the 10th of March, 1797.

Town of  
Steuben.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That from and after the first day of April next, all that part of the town of Steuben in the county of Herkimer which is contained within the limits and bounds following vizt: Beginning at the southwest corner of lot twenty seven in Fonda's pur-

chase joining the town of Floyd, thence running northerly along the westerly line of said lot, and continued in that direction, to the north side of a tract of land belonging to John Lansing, thence easterly along the northerly line of said Lansings land and continued in that direction to the east line of Steuben, thence southerly on the line of said Steuben to the north east corner of the town of Floyd, thence westerly on the line of said town to the place of beginning shall be and is hereby erected into a town to remain by the name of Steuben.

*And be it further enacted* That all that part of the said former town of Steuben contained within the following towns vizt: Beginning at the south west corner of Steuben as in the above section described, thence running northerly on the west line of said described town to the northwest corner thereof, thence westerly along the northerly line of said Lansings land, and continued in the same direction, until it strikes Fish creek, thence down said creek, until it would intersect the division line of Rome and Steuben if extended in a direct westerly course, thence easterly along said line to the place of beginning, shall be and is hereby erected into a separate town by the name of Western.

*And be it further enacted* That all the remaining part of the said former town of Steuben be and is hereby erected into a separate town by the name of Leyden.

*And be it further enacted* That the first town-meeting in each of the said towns respectively, shall be held as follows, vizt: In the town of Steuben at the dwelling house of the late Baron Steuben deceased; in the town of Western at the dwelling house of Ezek Sheldon; in the town of Leyden at the dwelling house of Andrew Edmunds.

*And be it further enacted* That the freeholders and inhabitants of the said towns respectively be and hereby are impowered to hold town-meetings, and elect town officers and enjoy all the privileges, which the freeholders and inhabitants of the other towns within this State may do by law.

*And be it further enacted* That as soon as may be after the first day of April next, the supervisors and overseers of the poor of the towns of Steuben, Western and Leyden shall by notice to be given for that purpose by the supervisors thereof, meet together and apportion the poor maintained previous to the division thereof, between the said towns, and divide any unexpended money raised in the former town of Steuben for the support of the poor, and shall make such division on principles of equity: And if the supervisors and overseers of the poor of the towns aforesaid cannot agree on such division, then and in such case the supervisors of the county of Herkimer shall at their next annual meeting, make the apportionment and division, in such manner as shall appear to them just and equitable; and the said towns shall thereafter respectively maintain their own poor.

## CHAP. 33.

AN ACT to erect part of the counties of Ulster and Otsego into a separate county.

PASSED the 10th of March, 1797.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That all that part of the counties of Ulster and Otsego beginning on the east bank of the Delaware river, at the most

Western.

Town meetings.

Town officers.

Division of the poor.

County of Delaware erected.

southerly corner of lot number twenty eight in the subdivision of great lot number two in the Hardenbergh patent, then north sixty two degrees east to the southwesterly bounds of great lot number eight in the said patent, then along the bounds of said lot number eight northwesterly to the south west corner of lot number twenty in the subdivision of the said great lot number eight in the said patent, then northeasterly along the division line between lots number nineteen and said lot number twenty, and that line continued to the southerly bounds of the county of Albany, then along the same, and along the southerly bounds of the county of Schohary to the Lake Otsiantho, then along the north bounds of a tract of land granted to John Harper and others to the northwest corner thereof, and the same line continued to the Adequitangie or Charlotte river, then down the waters thereof to the Susquehannah river, then down the waters thereof to the line of property, then southerly along the said line of property to the Delaware river, then down the waters thereof to the place of beginning shall be a seperate and distinct county, by the name of Delaware.

Courts in Delaware county.

*And be it further enacted* That there shall be held in and for the said county of Delaware, a court of common pleas, and a court of general sessions of the peace, and there shall be in the said county of Delaware, two terms of the court of common pleas, and two terms of the court of general sessions of the peace in every year to commence and end on the days following vizt., the first term of the court of common pleas and general sessions of the peace to commence on the first Tuesday in October next ensuing the passing of this act, and to end on the Saturday following; the second term of the court of common pleas and general sessions of the peace to commence on the last Tuesday in February following and end on the Saturday following; *provided* that in any of the terms aforesaid, the court may adjourn previous to the day assigned for its termination, if the business of the court will admit; and the said courts of common pleas and general sessions of the peace to be holden in said county, shall have the same jurisdiction, power and authority in the said county, as the courts of common pleas and general sessions of the peace in the other counties of this State have in their respective counties: *Provided also* that nothing in this act contained shall be construed to effect any suits or actions already commenced or that shall be commenced before the first Tuesday of October next, so as to work a wrong or prejudice to any of the parties therein, or to effect any criminal or other proceedings on the part of the people of this State, but all such civil and criminal proceedings shall and may be prosecuted to trial, judgment and execution, as if this act had not been passed.

Where courts held.

*And be it further enacted* That until further legislative provision be made in the premises, the said courts of common pleas and general sessions of the peace in the said county shall be held at the house of Gideon Frisbie in the town of Kortright in said county —

Powers of freeholders of county.

*And be it further enacted* That the freeholders and other inhabitants of the said county hereby erected, shall have and enjoy all and every the same rights, privileges and powers as the freeholders and inhabitants of any other county in this State are by law entitled to have and enjoy.

Where prisoners confined.

*And be it further enacted* That it shall and may be lawful for all courts and officers of the said county of Delaware, in all cases civil and criminal to confine their prisoners in the goal of the county of Ulster, until a goal be erected in the said county of Delaware.

*And be it further enacted* That it shall and may be lawful for the freeholders and inhabitants of the said county of Delaware to build and erect a court house and goal in the said county of Delaware, at such place as the judges and justices to be appointed in the said county, and the supervisors of the towns therein, or a majority of the said judges, justices and supervisors may direct: *Provided* said court house and goal shall not be erected at a greater distance than two miles from the mouth of the Little Delaware.—

When court-house and jail to be built.

*And be it further enacted* That it shall not be the duty of the justices of the supreme court once in every year to hold a circuit court in the said county of Delaware unless in their judgment they shall deem it proper, and necessary, any law to the contrary notwithstanding.

Circuit court.

*And be it further enacted* That the said county of Delaware shall be a part of the middle district of this State.

In middle district

*And be it further enacted* That from and after the passing of this act, it shall and may be lawful for the county of Ulster to choose seven members of assembly, the county of Otsego four members and the county of Delaware two members and no more, any law to the contrary thereof notwithstanding.—

Assembly-men.

*And be it further enacted* That all that part of the town of Colchester situate on the easterly and southerly side of the easterly line of the said county of Delaware shall be annexed to, and be a part of the town of Rochester; and all the remaining part of said town shall be and remain a separate town by the name of Colchester; and all that part of the town of Middletown situate on the easterly side of the line of said county of Delaware shall be annexed to, and be a part of the town of Woodstock; and all the remaining part of the said town shall be and remain a separate town by the name of Middletown. And all that part of the town of Woodstock lying within the said county of Delaware shall be annexed to, and be a part of the town of Stamford.

Towns.

*And be it further enacted* That all losses which may arise from deficiencies on loans by the loan officers made on lands mortgaged, and which are situated in the said county of Delaware shall be borne and paid in manner following that is to say, such deficiency as shall arise from lands mortgaged while part of the county of Otsego, shall be borne by the inhabitants residing in that part of the county of Delaware taken from the county of Otsego; and the like rule shall prevail as to any deficiency which may arise on loans made by the loan officers of the county of Ulster; and for that purpose, the said loan officers shall certify the amount of such deficiencies to the supervisors of the county of Delaware, who shall thereupon assess, levy, and collect the same upon the principles aforesaid, and pay the same over to the loan officers of the said counties respectively in which such deficiencies shall arise.—

Losses on loans.

*And be it further enacted*, That the said county of Delaware shall be annexed to and become part of the district now composed of the counties of Orange, and Ulster, as it respects all proceedings under the act entitled "An act making provision for the more due and convenient conducting public prosecutions at the courts of oyer and terminer goal delivery and general sessions of the peace."

Joined with Orange and Ulster for certain purposes.



## CHAP. 34.

## AN ACT further to amend an act entitled "An act for the encouragement of schools."

PASSED the 10th of March, 1797.

**Preamble.** WHEREAS the mayor aldermen and commonalty of the city of New York have by memorial represented to the legislature that, the manner of conducting the private schools in the said city, is such as renders it impracticable to distribute the money appropriated by the act entitled An act for the encouragement of schools" in the manner which the said act directs. For remedy whereof

**Distribution of school moneys in New York city.** *Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That one sixth part, as well of the money appropriated by the said act as of the money raised by taxes in the city and county of New York for encouraging and maintaining schools in the said city and county, shall hereafter be yearly distributed among the several charity schools in the said city in such proportions as the mayor aldermen and commonalty of the city of New York in common council convened shall judge proper; and the remaining five sixth parts thereof shall be distributed among the schools which in any wards in the said city may be established and conducted in conformity to the said act and in proportion to the number of days of instruction given in such schools respectively; but there shall not be paid to any school more than the amount paid or agreed to be paid to the master for teaching the said scholars in such school. And it shall and may be lawful for the mayor aldermen and commonalty of the city of New York in common council convened to apply the said residue of the said money already received and hereafter to be received, until such school or schools shall be established and all such surplus if any, as such school or schools shall not be entitled to receive according to the directions of this act, from time to time to the erecting supporting and maintaining one or more free schools in the city of New York, in which the scholars shall be instructed in the English language, or be taught reading, writing, the English grammar, arithmetic, mathematics and such other branches of knowledge as are most useful and necessary to complete a good English education; which public schools shall be subject to the direction of the mayor aldermen and commonalty of the city of New York for the time being, and of such commissioners as they may from time to time appoint for that purpose. And it is hereby declared, that children of any citizen of the United States residing in the city of New York shall be received and instructed in the said free school or schools from time to time, according to the priority of their application without distinction; and if there should on any one day be applications for more than can be received and taught therein, the preference between them shall be determined by ballot.

**Powers of inhabitants in respect to schools in adjoining wards.** *And be it further enacted,* That the inhabitants of the said city shall have the same rights powers and privileges, as are granted in and by the same act to the inhabitants residing in different parts of any town within this State; and every certificate or other matter in writing which is by the said act directed to be filed in the office of the clerk of any town, shall for the said wards respectively be filed in the office of the clerk of the city and county of New York.

*And be it further enacted,* That no school in any of the several towns in this State shall receive any more money in one year by virtue of the act for the encouragement of schools, than shall be sufficient to pay the master or masters for the same year, any thing in the said act to the contrary notwithstanding. Limitation of moneys to be received.

## CHAP. 35.

### AN ACT for dividing the county of Schoharie into towns.

PASSED the 17th of March, 1797.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That from and after the first Monday in April next, all that part of the county of Schoharie beginning at a point in the west bounds of the county of Albany, where the same is intersected by Foxes creek, thence westerly to the mouth of Weavers Stoney creek, where it empties into the Schoharie creek, thence westerly to where the Cobels Kill road crosses the Punch kill, thence with a strait line to a point in the south bounds of the county of Montgomery five miles westerly of Schoharie creek, thence easterly along the county of Montgomery to Duanesburgh, thence along the westerly and southerly bounds of Duanesburgh and the west bounds of the county of Albany to the place of beginning shall be and hereby is erected into a separte town by the name of Schoharie, and that the first town meeting in said town shall be held at the dwelling house of Johannes Ingold. Town of Schoharie.

*And be it further enacted,* That all that part of the county of Schoharie, beginning at the place where the Cobels Kill road crosses the Punch kill, thence with a strait line to the north west corner of a patent granted to Michael Byrns and others, thence with a straight line to the west corner of the house of Jacob Best near the head of the north branch of the West kill, thence continuing the same line to a tract of land called Blenheim, thence easterly along the northerly bounds of Blenheim, until it strikes Schoharie creek, thence easterly with a straight line to the northeast corner of the dwelling house of Moses Winters, thence with the same line continued to the west bounds of the county of Albany, thence northerly along the same to the southeast corner of the town of Schoharie, thence along the southerly bounds thereof to the place of beginning, shall be and hereby is erected into a separte town by the name of Middleburgh, and that the first town-meeting in said town shall be held at the dwelling house of Abraham Becker. Town of Middleburgh.

*And be it further enacted,* That all that part of the said county of Schoharie beginning in the middle of Schoharie creek where the same is intersected by the southerly bounds of the town of Middleburgh, thence along the northern bounds of a tract of land called Blenheim, to the northwest corner thereof, thence continuing the same line to the county of Otsego, thence along the easterly bounds of Otsego, to the county of Ulster, thence along the northerly bounds thereof to the middle of Schoharie creek, thence northerly through the middle of said creek to the place of beginning, shall be and hereby is erected into a separte town by the name of Blenheim and Town of Blenheim

that the first town-meeting in said town shall be held at the dwelling house of Isaac Smith.

Town of  
Bristol.

*And be it further enacted,* That all that part of the said county of Schoharie beginning at the northeast corner of the town of Blenheim, thence southerly along the easterly line of the said town, to where the said creek is intersected by the south bounds of the county of Schoharie, thence easterly along the said south bounds to the county of Albany, thence northerly along the same, to the southeast corner of the town of Middleburgh, thence westerly along the south bounds of the same to the place of beginning shall be and hereby is erected into a separate town by the name of Bristol; and that the first town-meeting in said town shall be held at the dwelling house of Peter Richtmeyer.

Town of  
Cobleskill.

*And be it further enacted,* That all that part of the said county beginning at the northwest corner of the town of Schoharie along the south bounds of the county of Montgomery six miles and a half, thence with a straight line to the west corner of the dwelling house of John Reddington, thence to the north east corner of Stephen Skinners patent, thence along the southeasterly line of the said patent to the county of Otsego, thence southerly along the bounds of the county of Otsego to the northwest corner of the town of Blenheim, thence easterly along the north bounds thereof, to the south west corner of the town of Middleburgh, thence northerly along the westerly bounds of the towns of Middleburgh, and Schoharie to the place of beginning shall be and hereby is erected into a separate town by the name of Cobels Kill, and that the first town-meeting in said town shall be held at the dwelling house of Lambert Lawyer.

Town of  
Sharon.

*And be it further enacted* That all the residue or remaining part of the county of Schoharie shall be, and hereby is erected into a separate town by the name of Sharon, and that the first town meeting in said town shall be held at the dwelling house of William Beekman.

Town  
privileges.

*And be it further enacted* That the freeholders and inhabitants of each of the respective towns hereby erected shall be, and hereby are empowered to hold town meetings, and elect such town officers, as the freeholders and inhabitants of any town in this State may do by law; and that the freeholders and inhabitants of each of the said towns respectively and the town officers to be by them elected, shall have the like power and privileges, and be subject to the like regulations and penalties, as the freeholders, inhabitants and town officers of the other towns in this State are entitled and subject to by law.

Division of  
the poor.

*And be it further enacted,* That as soon as may be after the first Tuesday of April next, the supervisors and overseers of the poor of the towns aforesaid, shall by notice to be given for that purpose by the supervisors of the towns aforesaid meet together and apportion the poor maintained by the towns of Schoharie and Durlach previous to the division thereof, and to divide the money now in the hands of the overseers of the poor (for the use of the poor of the towns of Schoharie & Durlach) between the towns hereby erected in an equitable manner, and each of the said towns hereby erected shall thereafter maintain their own poor respectively,

## CHAP. 36.

AN ACT providing a mean for procuring a sum to the Western Inland Lock Navigation company to enable them more effectually and speedily to prosecute the improvements in the said navigation.

PASSED the 17th of March, 1797.

WHEREAS it has been suggested to the legislature on behalf of the said company that they cannot prosecute the improvements in the said navigation to such effect and with such celerity as is desirable, unless they are furnished with the sum of two hundred and fifty thousand dollars, and which they are unable to raise by requisition on the stockholders, or otherwise to procure in this country; and that if the several persons, for whose relief the act entitled "An act for the relief of Wilhelm Willink, Nicholas Van Staphorst, Christian Van Eeghen, Hendrick Vollenhoven, Rutger Jan Schimmelpenninck and Peter Stadnitski being aliens, passed at the last session, and the act supplementary thereto passed during the present session of the legislature were passed, could be ascertained that their property and interest in the lands intended in the said acts, would endure and continue until the benefits to be derived from the improvements in the said navigation would be so extended, as thereby to increase the value of the said lands, that they would then probably from that consideration be induced to furnish a sum to the above amount to the said company : Therefore

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That if the thirteen persons named in the said acts, or any number of them, shall on or before the first day of January in the year one thousand seven hundred and ninety nine, furnish and pay, or secure to furnish and pay to the corporation of "The President, Directors and Company of the Western Inland Lock Navigation Company in the State of New York," the sum of two hundred & fifty thousand dollars, either as a part of the stock of, or a loan to the said company, or otherwise and on such terms as shall be agreed on between the said company, and the said persons or any number of them, that then the term or period of seven years mentioned in the last section of the said act first above mentioned, shall be enlarged and extended to the term of twenty years from the passing of the said act; subject nevertheless to all and singular the other conditions and restrictions contained in the acts above mentioned or either of them. And the evidence that the said persons have furnished & paid, or secured to furnish and pay the said sum to the said company, shall be a certificate thereof under the common seal of the said corporation, and which being acknowledged by the president of the said company for the time being, before the chancellor or a judge of the supreme court, may be recorded in the secretary's office of this State.

Preamble.

Time extended to Wilhelm Willink et al. on certain conditions.

## CHAP. 37.

### AN ACT for dividing the town of Franklin in the county of Delaware.

PASSED the 17th of March, 1797.

Walton,  
town of,  
erected.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That from and after the first Monday of April next, all that part of the town of Franklin in the county of Delaware within the following bounds, to wit, beginning at the Delaware river, and running northwesterly on the division line between the town of Franklin and the town of Kortright five miles to a beach tree marked F. W. thence running south sixty degrees west, until it strikes the line of property so called, thence down the said line of property to the Delaware river, thence up the said river to the place of beginning, be and hereby is erected into a separate town by the name of Walton, and the first town meeting shall be held at the meeting house in Union Society in said town of Walton.

Franklin.

*And be it further enacted* That all the remaining part of the town of Franklin shall be and remain a separate town by the name of Franklin, and the first town meeting in the said town of Franklin shall be held at the dwelling house of Sluman Wattles in said town.

Town  
privileges.

*And be it further enacted,* That the freeholders and inhabitants of the said towns shall be entitled to all the privileges, and be subject to all the penalties, which the freeholders and inhabitants of the other towns in this State are subject to by law.

Division of  
the poor.

*And be it further enacted,* That as soon as may be after the first Tuesday of April next, the overseers of the poor and the supervisors of the said towns, shall after due notice being given for that purpose by the supervisors of the said towns meet together, and apportion the money and poor belonging to the said town of Franklin previous to the division thereof in as equitable a manner as may be, and in case the supervisors and overseers of the poor cannot agree in the division of the money and poor as aforesaid, then the supervisors of the county of Delaware at their annual meeting shall make such division of the money and poor aforesaid, as shall appear most equitable to the major part of them.

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## CHAP. 38.

### AN ACT for altering the times of holding the court of general sessions of the peace in and for the city and county of New York and for altering one of the terms of the courts of common pleas and general sessions of the peace in the county of Albany.

PASSED the 17th of March, 1797.

Terms of  
court in  
New York  
city.

*Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same,* That from and after the second Tuesday in May next, the court of general sessions of the peace in and for the city and county of New York shall be held on the first Tuesdays of July, October, January and April in every year; each of which sessions of the peace may last,

continue and be held until the several Tuesdays next following inclusive (Sunday excepted) any charter law custom or usage to the contrary notwithstanding.

*And be it further enacted* That instead of the third Tuesday in January in every year, one of the times now prescribed by law for holding the court of common pleas and general sessions of the peace in and for the county of Albany, the same shall be held on the third Tuesday in February in each and every year, and may be held and continued until the Tuesday next following inclusive Sunday excepted.

Id., Albany county.

## CHAP. 39.

AN ACT supplementary to the act entitled An act to improve the navigation of Hudson's river in the places therein mentioned.

PASSED the 17th of March, 1797.

WHEREAS it appears from the report of William Weston an engineer employed by the directors of the Northern In-land Lock Navigation Company in conformity to the act entitled "An act to improve the navigation of Hudson's river in the places therein mentioned," that in his opinion the expence of such efficient improvement below the town of Troy as are contemplated by the said act will exceed the sum of four thousand pounds of which three thousand pounds out of the treasury of this State was to be paid — *Provided* the residue should be raised by subscription, Preamble.

*And whereas* it has been suggested to the legislature that if the said sum of three thousand pounds should be paid to the commissioners named in the first section of the said act a sufficient sum will be raised by subscription to compleat the works in manner proposed by the said engineer.

*Therefore Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the comptroller shall and he is hereby required to direct the payment of seven thousand five hundred dollars out of the treasury of this State unto Moses Vail, Thomas L. Witbeck and Albert Pawling or their order or to the order of any two of them. *Provided* that they the said Moses Vail, Thomas L. Witbeck and Albert Pawling or any two of them shall previously have executed a bond to the people of this State and delivered the same to the said comptroller in the penal sum of fifteen thousand dollars conditioned that they the said Moses Vail Thomas L. Witbeck and Albert Pawling or any two of them shall well and truly and on or before the first day of January one thousand seven hundred and ninety nine, construct and compleat the works for such improvements, by a double row of piles driven nine or ten feet below the bed of the river, and the rows of piles parrallel to each other and at the distance of four feet from each other in the clear and the interval between the rows of piles to be four feet and well backed with fascines and rubble stones, string pieces twelve inches wide and six inches thick to be trunnelled on the outside of each row of piles, and those string pieces to be connected together by dove tailed ties, at every twelve feet, in all the extent from the western shore to the island, opposite to the mill of Thomas L. Witbeck. Appropriation for improving navigation of Hudson river.

## CHAP. 40.

### AN ACT for the relief of Nicholas Aldridge and others.

PASSED the 17th of March, 1797.

**Preamble.** WHEREAS it appears to the legislature, that the title to the west half of lot number eighty-one in a tract of land known by the name of Jersey-field, containing five hundred and twenty five acres (which said land was conveyed by the commissioners of forfeitures of the western district to John Andrus) has been defeated by a conveyance from Waldron Blaaw, the original proprietor thereof, to one Robert Gordon, antecedent to any forfeiture of the same lands being incurred by the said Waldron Blaaw. Therefore

**Appropriation to Nicholas Aldridge.** *Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That the treasurer of this State be, and he is hereby required, to pay to Nicholas Aldridge, to whom the said half lot was conveyed by this State the sum of five hundred and twenty five dollars, the consideration money for the said land, together with legal interest upon the same sum from and after the seventeenth day of October, one thousand seven hundred and eighty six, until the passing of this act, upon his the said Nicholas Aldridge, delivering up to the said treasurer the said deed of conveyance from the said commissioners of forfeitures and also the conveyance from the said John Andrus to him, and releasing to the people of this State all interest claim and demand he may have under the conveyances aforesaid.

*And whereas* it is represented to the legislature by Joseph Caldwell and Thomas Bradshaw, that they are owners of lands in the town of Kingsbury which were forfeited by the attainder of Daniel Jones and sold by the commissioners of forfeitures for the eastern district, and that a demand is made for a ballance of about one hundred and eighty seven and an half dollars, said to be due on a mortgage of the said premises made by the said Daniel Jones in the year one thousand seven hundred and seventy three, to William Thomas and Joshua Smith, late of the city of New York. Therefore

*Be it further enacted,* That the attorney general be and he is hereby directed to examine the said mortgage, and ascertain what sum, if any is legally due thereon, and certify the same to the comptroller, who shall direct the treasurer to pay the sum so certified on cancelling the said mortgage.

**Isaac De Graaf.**

*And be it further enacted,* That the the treasurer pay unto Isaac De Graaf the sum of one hundred and twelve and an half dollars with the interest at six per cent for the same from the twenty eighth day of August one thousand seven hundred and eighty eight, out of any monies in the treasury not otherwise appropriated, in full for fifty four acres three roods and thirteen perches of land being part of a tract of six hundred and thirty one acres sold by the commissioners of forfeitures for the western district to John Hudson, and conveyed by him to the said Isaac De Graaff, and which was previously sold by the said commissioners to Henry Pruym.

*And whereas* it is represented to the legislature, that Sir William Johnson Baronet deceased, devised several particular parts of a certain large tract of land called the Royal Grant, to several particular persons, and that some of the parts so devised as well as the residue of

the said tract afterwards became forfeited to and vested in the people of this State. And that the commisssoners of forfeitures for the western district of this State have sold the land so devised, and laid out other lands in another part of the said tract, or in some other tract, for those of the devisees whose estate were not forfeited. *And whereas* the claims of some of the said devisees their heirs or assigns in some parts of the lands so sold have been extinguished by this State, and their claims to other parts thereof still remain unsatisfied, and some of the purchasers of some of those lands so sold, their heirs and assigns are thereby prevented from improving or disposing of the same. Therefore

*Be it further enacted*, That it shall and may be lawful for the surveyor general and he is hereby directed to cause the land so laid out for the said devisees to be surveyed, and to convey to such of them whose estates have not been forfeited and who are willing to accept thereof or their legal representatives, and to their heirs and assigns forever the like quantity thereof as they are entitled to of the land so sold, upon their releasing to the purchasers of the lands so sold all their estate right title interest claim and demand of in and to the same. And if any persons so intitled to any part of the land so sold, shall refuse or neglect to accept such conveyance and to execute such release as aforesaid, then and in every such case, it shall and may be lawful for the surveyor general and he is hereby directed to convey to the purchasers of the land so sold and to their heirs and assigns forever, the like quantity of the land so laid out as they respectively purchased of the land so sold, upon his or their delivering up to him the conveyances given by the said commissioners for the same, and releasing all his and their estate right title interest claim and demand therein to the people of this State; and if any of the said land so laid out should remain after making such conveyances as aforesaid, or such as the parties will accept, the surveyor general shall sell the same at vendue for the best price he can get for the same; and it shall be the duty of the surveyor general to report to the legislature at their next session, what he shall have done in the premises.

Lands to be laid out for certain owners of rights in the Royal Grant.

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## CHAP. 41.

AN ACT making further provision for building the State prison in the city of New York.

PASSED the 17th of March, 1797.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly*, That it shall and may be lawful for the commissioners appointed by law for erecting and building the State prison in the city of New York to purchase one acre of land on the south side, and another acre of land on the north side of the land already purchased by them for the purpose of erecting and building the State prison in the city of New York and adjoining the same land, and to take a conveyance or conveyances for the same to the people of the State of New York; and in order to enable them to pay for the said additional land so to be purchased and to compleat the said building so far at least as to be fit for the reception of prisoners as soon as possible it shall and may be lawful for the treasurer of this State to pay

Appropriation for the purchase of additional lands for the State prison in New York city.



to the said commissioners or their order, out of any money in the treasury not otherwise appropriated such sums as they shall from time to time require and for which the comptroller of this State shall issue his warrants, not exceeding in the whole, seventy five thousand dollars. And if there should not be money in the treasury sufficient to pay any such warrants, then and in every such case, it shall be lawful for the comptroller from time to time to borrow a sum sufficient for the purpose in the manner directed by the act for appointing a comptroller in this State.

## CHAP. 42.

AN ACT for the prevention of fires, and regulating the assize of bread in the town of Brooklyn in Kings county and for other purposes therein mentioned.

PASSED the 21st of March, 1797.

Trustees  
of Brook-  
lyn to  
make regu-  
lations  
concerning  
chimneys,  
etc.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That it shall and may be lawful for such and so many of the freeholders and inhabitants of the town of Brooklyn in Kings county, who by the act entitled "An act for the better extinguishing fires in the town of Brooklyn in Kings county" are authorised, to choose the firemen of Brooklyn, at their annual meetings mentioned in the said act to choose in like manner as their said firemen are chosen, not less than three nor more than five discreet freeholders residing within the limits mentioned in the said act, who may from time to time make such prudential rules and regulations as they shall judge necessary for the prevention of fires by the burning of chimnies, and for the sweeping or otherwise cleaning of the same, under such penalties as they or a majority of them shall deem expedient, not exceeding the sum of five dollars for any one offence to be recovered before any court having cognizance of the same, with costs of suit, in an action of debt, by any one of the freeholders so to be chosen as aforesaid, which sum when recovered shall be applied by the said freeholders so chosen as aforesaid for the defraying of the expence of providing lamps, for lighting the streets in the said town. *Provided always,* that such rules and regulations so to be made as aforesaid by the said freeholders shall be recorded by the clerk in the act mentioned, and advertised by the said freeholders in at least three public places within the limits in the aforesaid act mentioned, eight days before any person shall be liable to such penalties.

Sale of  
bread regu-  
lated.

*And be it further enacted,* That no baker or other person within the limits mentioned in the said act, shall after the second Tuesday in May next, sell any bread at any higher price or rate, than bread of the like quality, at the time of such sale, shall be assized in and for the city of New York by the corporation of the said city, under the penalty of one dollar for every offence, to be recovered by the overseers of the poor of the said town of Brooklyn, in any court having cognizance of the same, in an action of debt, with costs of suits for the use of the poor of the said town.

Albany  
city, roads  
in.

*And be it further enacted,* That nothing contained in any law of this State now in being, or that shall or may be passed during the present session, relative to roads or highways, shall be construed to make void, abridge, or in any wise lessen the rights and privileges granted to the city of Albany by charter.

## CHAP. 43.

### AN ACT to regulate highways.

PASSED the 21st of March, 1797.

*Be it enacted by the People of State of New York, represented in Senate and Assembly,* That the person administering the government of this State for the time being, by and with the advice and consent of the council of appointment, shall as soon as may be after the passing of this act, and once in every three years hereafter, appoint in each and every county in this State, the city and county of New York, the county of Suffolk, Queens, & Kings excepted, three superintendants of highways; who shall hold their office for three years, unless sooner displaced by the said council, or until others are appointed in their room; that all vacancies which shall happen by death, resignation, removal from the county, or refusal to serve, shall be supplied by the person administering the government of this State, by and with the advice and consent of the council of appointment; and that a majority of superintendants in each of the said counties shall form a board, for the purposes hereinafter mentioned.—

Superintendants of highways to be appointed for the various counties.

*And be it further enacted,* That it shall be the duty of the several boards of superintendants, to give directions relative to the making and repairing of the roads and bridges within the county for which they are respectively appointed; to apportion all monies granted for that purpose by the legislature, among the commissioners of the respective towns, in such proportion as they shall judge most conducive to the public good; to direct how any monies arising from the fines and commutations hereinafter mentioned, and which may be in the hands of the commissioners of any town, beyond what is requisite for the highways committed to the care of such commissioners, shall be expended on the highways within the county; to hear and finally decide on all appeals from the decision of the commissioners, to decide on all cases submitted to them by the commissioners, and in general to establish rules and directions for the more effectual carrying of the duties enjoined by this act into effect, with order, economy and dispatch.

Duty of superintendents.

*And be it further enacted* That the inhabitants in each of the towns in the counties aforesaid, shall, at their annual town-meetings, choose three commissioners of highways, each of whom shall be a freeholder and an inhabitant of the said town, that it shall be the duty of the said commissioners to carry into effect all such orders as shall be given by the superintendants of the respective counties to which they belong; to report to the superintendants the difficulties which may occur in executing the trust hereby reposed in them, and to receive their directions in the premises, to regulate the roads already laid out, and to alter such as they or a majority of them shall conceive inconvenient; subject nevertheless to an appeal to the superintendants of the county by any person who shall conceive himself aggrieved by such determination, whose decision in the premises shall be conclusive; to cause such of the roads as are not already described and recorded to be ascertained described and entered of record in the town clerks office; to cause to be kept in repair the highways and bridges erected, or which may be erected over streams intersecting highways; to require the overseers from time to time, and as often as they shall

Commissioners in towns.

deem necessary, to warn the people assessed to work on the highways to come and work thereon with such implements, carriages, cattle and sleds, as the said commissioners, or any one of them shall direct.

**Proviso, as to costs of appeals.**

*Provided always*, That the person or persons making such appeal from the decision of the commissioners, shall pay the costs and charges attending such appeal in all cases where the superintendants shall not alter or reverse the determination of the commissioners so appealed from.

**Road districts.**

IV. *And be it further enacted* That the commissioners for the time being of the respective towns, or the the major part of them, shall at least ten days before the next annual town meeting, and so annually, if the they shall judge the same necessary, by writing under their hands, to be lodged with the town clerk, and by him to be entered in the town book, divide their respective towns into as many road districts, as they shall judge convenient.

**Laying out of new roads in two towns.**

V. *And be it further enacted* That when the commissioners of any town shall disagree with the commissioners of any other town, relative to the laying out of a new road, or the alteration of an old road, extending into both towns, they shall report such disagreement to the superintendants of the county, whose decision in the premises shall be final and conclusive; that when the commissioners of a town in one county, shall disagree with the commissioners of a town in another county, relative to laying out a new road, or altering an old road, which shall extend into both counties, the commissioners of both towns shall meet together at the request of either disagreeing commissioner or commissioners, and their decision in the premises shall be final and conclusive; and if the commissioners of the two towns shall be equally divided in opinion, they shall refer the same to the superintendants of the two counties, whose decision in the premises shall be conclusive.

**Overseers of highways.**

VI. *And be it further enacted* That the freeholders and inhabitants of the several towns in the counties made subject to this act, shall at their annual town meetings, choose as many overseers of highways, as there are road districts in each of the said towns respectively; that it shall be the duty of the said overseers, to repair and keep in order the highways within the several districts, for which they shall be elected; to warn all persons assessed to work on the highways in their respective districts to come and work, when required so to do by the commissioners, or any one of them, to collect all fines and commutation money, and to execute all such orders of the commissioners of the town to which they belong as shall be given by them in conformity to law; and if any overseer shall be employed more days in executing the several duties enjoined on him by this act, than he is assessed to work on the highways, he shall be paid for the excess at the rate of one dollar per day, and be allowed to retain the same out of the monies which may come into his hands, for fines in conformity to this act, but shall not be permitted to commute for the days he is assessed.

**Who liable to assessment.**

VII. *And be it further enacted*, That all freeholders, house-keepers, and every free male inhabitant being above the age of twenty one years, shall be assessed to work on the public roads and highways.—

**Duty of commissioners and overseers; assessment of day's works.**

VIII. *And be it further enacted*, That the commissioners for each town in the several counties aforesaid, shall meet, within ten days after they shall be so chosen, at the place of town-meeting, on such day as they shall agree upon, and as often afterwards as need shall be, and at such time and place as they shall think meet; that each of the overseers of the road districts respectively, shall deliver a list, sub-

scribed by such overseer, to the clerk of the town for which he is elected or appointed, within eight days after the day of election, which list shall contain the names of all the inhabitants in such road district, who are in and by this act made liable to work on the highways; and the said clerk shall deliver such lists to the commissioners of the town, who, or a majority of them, shall at their next meeting, or as soon as may be thereafter, affix to the names of each respective person mentioned in such lists respectively, the number of days which such person shall be liable to work on the highways in the same year; to be determined by the commissioners in proportion to the estate and ability of each respective person, and the commissioners shall thereupon, after causing the clerk of the town to make a copy of such lists, and after the said commissioners or a majority of them shall have subscribed the copies of such lists, cause the same respectively to be delivered to the overseer of the town, who returned the same in the manner herein before mentioned, or their successors in office.—*Provided always*, that if the name of any person should be left out of such lists, or there should be an accession of new inhabitants, such persons whose names are omitted or shall move into the town, shall from time to time be added to the said list, and the persons be rated by the said commissioners to work on the highways. *Provided also* that no person shall be assessed more than thirty days, nor less than one day in one year; *provided also* that the aggregate of all the days assessed in every town shall not be less than four times the number of persons liable to be assessed within the same town.

IX. *And be it further enacted* That every person subjected by this act to work on the highways, other than an overseer of the highways for the time being, and who shall be assessed in manner aforesaid, shall work the whole number of days he shall be so assessed, or commute for the same or such number of them as he shall not work, at and after the rate of forty cents for each day; which money shall be paid to the overseer of the highways of the district in which the person or persons paying the same shall reside, to be by the said overseer applied and expended, in the improvement of the roads and bridges in the same district.—

Commutation for day's work.

X. *And be it further enacted* That if any overseer of the highways shall require any team, cart, waggon or plough with a pair of horses or oxen, and a man to manage the same, from any person so assessed as aforesaid, and having the same, and who shall not commute for the days he may be assessed, the person furnishing the same, when warned so to do by any overseer, shall be entitled to a credit of three days work for one man, and the fine for neglect or refusal shall be proportionable, that is to say, three times the fine to be imposed for the neglect of one person for one day.—

Teams, wagons, etc., to be furnished when required.

XI. *And be it further enacted* That when any person, assessed to work on the highways, shall be warned by an overseer to attend on a day and place certain, with such implements, cattle and carriages as the overseer shall require, and shall neglect or refuse to appear in person, or by an able bodied man as a substitute, or to bring with him such implements, carriages or cattle as required, or shall remain idle or not work faithfully, or hinder others from working, or neglect or refuse to pay the commutation money, in lieu of such attendance, such offender shall for each and every offence forfeit the sum of one dollar; and it shall be the duty of such overseer, and he is hereby required within six days thereafter in every case in which he shall deem the excuse for such neglect or refusal insufficient, to make complaint

Penalty for failure to work when required.

thereof in writing under his hand to one of the justices of the peace of the town for which he shall be elected, if any there be, and if there is no justice of the peace in such town, then to the next justice of the adjoining town; and the justice to whom such complaint shall be made, shall forthwith issue a warrant under his hand and seal, directed to any constable of the ward or town where such delinquent shall reside, commanding him to levy such fine on the goods and chattels of such offender, and the justice shall be entitled to receive twenty five cents for issuing such warrant, and the constable the like fees as are allowed for like services by the act, entitled "An act for the more speedy recovery of debts to the value of ten pounds," and shall forthwith pay the said fines to the justice who issued the said warrant, who is hereby required to pay the same to the overseer who entered the complaint, to be by him expended in improving the roads and bridges in the district of which he is overseer; *provided* that the whole of the costs shall not exceed the sum of three dollars: *And provided also* that no excuse for refusal or neglect on any occasion shall exempt the person excused from working the whole number of days he may be assessed, or paying the commutation in lieu of it, during the year for which he shall be assessed; and that no person shall be required to work on any highway other than in the road district in which such person resides.—

Penalty  
for each  
hour in  
default.

XII. *And be it further enacted* That every person assessed to work on the highways, and who shall be warned to work, and shall appear in person or by an able bodied man as a substitute, shall actually work eight hours in each day, and shall be liable to be fined in the sum of twelve and an half cents for every hour such person, or substitute shall be in default, to be recovered and expended in like manner as the penalty for refusing or neglecting to work, when warned is by this act directed to be recovered and expended.—

Oath of  
office of  
overseers.

XIII. *And be it further enacted* That every overseer of highways to be chosen or appointed by virtue of this act shall within six days after his election or appointment and before he enters upon the duties of his office, take the following oath or affirmation before a justice of the peace vizt: "I A. B. elected (or appointed) an overseer of highways in the town of \_\_\_\_\_ in the county of \_\_\_\_\_ do solemnly and sincerely swear (or affirm) that I will honestly, faithfully and impartially to the best of my understanding and ability execute the duties enjoined on me as overseer of highways."

Account  
to be rendered by  
overseers.

*And be it further enacted*, That each overseer of highways, to be chosen or appointed hereafter shall on or before the last Tuesday in March, within the year for which he is elected or appointed, render an account in writing to the commissioners of the town, or any two of them, who shall meet together on that day, for the purpose of receiving such return of all persons assessed to work on the highways in the district of which he is overseer; of all those who have actually worked on the road or highway, with the number of days they have so worked; of all those who have been fined, and the sums in which they have been fined; of all those who have commuted; of the manner in which the monies arising from fines and commutation have been expended, and shall pay to the commissioners all monies remaining in his hands unexpended, to be reported and paid to the superintendants of the county and employed in making and improving the roads and bridges in said county, in such manner as they shall direct; and if any overseer shall neglect or refuse to render such account or having rendered such account shall refuse or neglect to pay any balance which

may then be payable by him, he shall forfeit the sum of two hundred dollars to be recovered by the said commissioners or the survivors or survivor of them, in their or his own names, by action of debt in any court having cognizance thereof with costs of suit, and the forfeiture so recovered shall by the said commissioners, or such survivors or survivor of them, be accounted for, or paid to the superintendants of the same county.—

*And be it further enacted* That every overseer of highways, who shall neglect or refuse to warn the people assessed to work on the highways, to come to work with such implements, carriages and cattle as may be necessary, when required so to do by the commissioners, or either of them or to collect the monies that may arise from fines or commutation, or to perform any of the duties and services required by this act, or which may be enjoined on him by the commissioners of the town of which he is elected, or a majority of them, shall forfeit for every such neglect or refusal the sum of ten dollars, to be recovered by any one of the commissioners of the same town, in his own name, before any justice of the peace, in the same county, with costs of suit, to be reported, paid and employed in the same manner as the monies to be paid in the hands of the commissioners by the preceding section of this act, are directed to be reported, paid and employed. And if any vacancy of overseers shall happen by death or otherwise, the commissioners of the town, in which such vacancy shall happen, shall appoint other or others in his or their stead, and the overseer or overseers so appointed, shall have the same power, be subject to the same orders, and liable to the same fines, forfeitures and penalties, as overseers chosen by this act, are liable and subject to.

Penalty  
for neglect  
of duty by  
overseers.

*And be it further enacted*, That when any road shall be laid out through inclosed or improved lands, the owner or owners thereof shall be paid such damages as such owner or owners may sustain by reason thereof, which damages shall be determined and assessed by two justices of the peace, and by the oaths of twelve reputable freeholders, not having an interest in the land so to be laid out in a road or highway; that the said freeholders shall be summoned by any constable of the town in which such road or highway shall be laid out as aforesaid, by virtue of a warrant, to be issued by the said two justices of the peace for that purpose; and if any road within any town so laid out, shall be laid out at the request of twelve reputable freeholders of such town, as a common public highway, the whole of the said damages, together with the charges of the commissioners and summoning the jury, shall be laid before the board of supervisors of the county, who shall cause the same to be raised, levied and collected in the same manner as the county charges are by law directed to be raised, levied and collected, and to order the same to be paid to the commissioners of the said town, who shall pay the occupant the sum assessed to him, and appropriate the residue to satisfy the costs; but if the road so to be laid out, shall be for the particular convenience of one or more towns or neighbourhoods, then such towns or neighbourhoods, requiring the same, shall pay and defray the whole of such damages and charges; and when such high road shall be so laid out and appraised, it shall be lawful for the commissioners of the town in which such road is laid out, to order the overseers of the road district, in which such road may be included, to open and work the same. *Provided nevertheless*, that no road or highway shall be laid out thro' any orchard or garden without the consent of the owner or owners thereof, if such orchard shall be of the growth of at least ten years, or such garden shall have

Damages  
for roads  
laid out  
through  
improved  
lands.

been cultivated as such at least ten years before such such highway or road shall be laid out.

Private  
roads.

*And be it further enacted* That upon application to the commissioners of any town, for a private road, the commissioners of the town in which such road is desired, shall cause the overseer of highways of the district, to summon twelve freeholders of the same town, to meet on a day certain, of which day notice shall be given by the overseer to the owner or occupant, and being so met, they shall view the lands through which such road is applied for, and if they shall certify under oath, that such road is absolutely necessary, the commissioners shall lay out the same, and cause a record thereof to be made in the town clerks office, and shall cause the damages to be assessed in like manner, as if the same was a public highway, which shall be paid by the person or persons applying for such road, and such road when so laid out, shall be for the use of such applicant or applicants, his or their heirs and assigns, but not to be converted to any other use or purpose than that of a road: *Provided always*, that the occupant or owner of the land through which such road shall be laid out, shall not be prevented from making use thereof as a road, if he shall signify his intention of making use of the same, at the time when the jury are to ascertain the damages, sustained by laying out such road.—

Width of  
roads.

*And be it further enacted* That all public roads to be laid out by the commissioners of any town shall not be less than four rods wide, and all private roads shall not be more than four, nor less than two rods wide.—

What  
deemed  
public  
highways.

*And be it further enacted* That all public highways heretofore laid out and allowed by any law of this State, and now in use within the counties aforesaid, and of which record shall have been made in the office of the clerk of the town, shall be taken and deemed as public highways, and continue such, unless altered in conformity to the provisions contained in this act: *Provided always*, that where any roads have been used as public highways for twenty years or more, next preceding the passing of this act, the same shall be taken and deemed as public highways, although no record thereof has been made, unless they shall be altered in manner aforesaid.

Obstruc-  
tions,  
penalties  
for.

*And be it further enacted*, That if any person within any of the said towns shall hereafter obstruct any highway or road or shall fill up or place any obstruction in any ditch constructed for draining the water from any road, such person so offending shall forfeit for every such offence, the sum of five dollars, to be recovered with costs of suit in the name of any person who shall make complaint thereof, before any justice of the peace of the county where the offence shall happen, upon the oath of one or more credible witness or witnesses, and levied by distress and sale of the goods and chattels of the offender, by warrant from the justice to be directed to any constable of the town where such offender shall reside; and the said constable is hereby required to pay such penalty into the hands of the commissioners of the highways for the town wherein the offence was committed, to be by the said commissioners reported and paid to the superintendants of the county, and to be applied in improving the public roads and bridges within the county, in conformity to the directions of the said superintendants.—

Encroach-  
ments on  
highways.

*And be it further enacted*, That in every case where a highway has been laid out, and the same hath been encroached upon by any present or former occupant of the land through or by which such highway runs, the commissioners of the town shall, if in their opinion it be

deemed necessary, order the fences to be removed, so that such highway may be of the breadth originally intended; and if such removal shall not be made in sixty days after such notice given, the then occupant to whom the notice shall be given, shall forfeit and pay the sum of fifty cents for every day that such fences shall continue unremoved, after the expiration of the said sixty days aforesaid, to be recovered in like manner as penalties are directed to be recovered in the next preceding section of this act. *Provided nevertheless* that in case of denial of such encroachment by any occupant, the commissioners shall apply to any justice of the peace of the county for a precept, directed to an overseer of the highways of the same town, to summon twelve freeholders thereof, to meet on a certain day, of which day notice shall be given by the overseer to one of the commissioners, and also to the occupant; on which day the jury so summoned, after being duly sworn, shall enquire, whether any encroachment hath been made and by whom; and if they shall find that such encroachment hath been made they shall certify the same and by whom, and if made by the then occupant or any former occupant, the then occupant shall remove his fences, under the penalty aforesaid, and shall pay all the costs attendant on such enquiry, to be recovered by any one of the commissioners, before any justice of the peace of the county; but if they shall find that no encroachment hath been made, they shall so certify, and ascertain the damages the then occupant hath sustained by such suit, which together with costs of suit, shall be paid by the commissioner or commissioners, out of any monies in his or their hands appropriated to the making and repairing of highways. *Provided always* that such encroachment shall have been made within twenty years next preceding the passing of this act: *And provided also*, that no person shall be obliged to remove any fence, except between the first day of April and the first day of November in any year.—

XXII. *And be it further enacted* That if any tree or trees, which hereafter shall fall or be fallen by any person or persons his or their agents or servants into any highway, or into any river now used as an highway, and if a tree or trees so fallen shall not be removed, but continue in such highway or river for the space of two days after notice given thereof by any person, the person or persons occupying the farm or lot from which such tree or trees shall be fallen, shall forfeit the sum of fifty cents for every tree which shall be so fallen or suffered to remain in such highway or river until the third day, and a like sum for every day thereafter until the same shall be removed; to be recovered and applied in the same manner as penalties for obstructing roads are directed to be recovered and applied: And in case any person shall cut down any tree or trees on lands not occupied by him, so as that they shall fall into any highway or river as aforesaid unless by the order and consent of the occupant, the person so offending shall forfeit to such occupant the sum of one dollar for every tree so fallen, and the like sum for every day the same shall remain therein to be recovered as aforesaid with costs.—

Removal  
of fallen  
trees.

XXIII. *And be it further enacted* That all trees standing or lying on or in any land through which any public highway shall be laid out shall be for the proper use of the owner or occupant of such land, except such of them as may be requisite to make or repair the highways or bridges on the same land.—

Trees  
standing  
in high-  
way.

XXIV. *And be it further enacted* That no swinging or other gates shall be allowed on any public highway laid out by virtue of this act, or which has heretofore been laid out, other than such public high-

Swinging  
gates,  
where  
allowed.



ways as run through lands liable to be overflowed by the waters of the adjacent rivers or streams, in such manner as to remove the fences thereon: *Provided* that all such gates shall be erected & kept in good repair by the overseers of the highway of the town, at the proper costs and charges of the occupant of the land, for whose benefit the same shall be erected, and if more than one such gate shall be erected and the intermediate land between the gates at the extremities of such land, shall be in the occupation of more than one person benefited by such gates, the whole charge of erecting and keeping the same in repair shall be borne by all the occupants benefited thereby, in proportion to the extent of land which each occupies, adjoining the highway between the gates at the extremity aforesaid; and in case of the neglect or refusal of any occupant to pay his or her proportion, the same shall be levied with costs of suit in like manner as fines are by this act directed to be levied for refusing or neglecting to work on the highways; of all which gates an account shall be filed by the commissioners in the town clerks office; and if any person or persons shall stake or shore open any such gate, and shall not immediately after having passed the same return and close it, or shall wilfully and unnecessarily ride over any of the grounds adjoining such road, on which such gates shall be permitted, to the damage of the occupant or occupants thereof, each offender shall forfeit for every such offence the sum of one dollar, to be recovered by any one of the commissioners of the same town, in the manner prescribed by this act for recovering fines, for neglect or refusal to work on the highways. *Provided* that such penalty shall not be deemed a satisfaction for such damage; but the occupants or occupants of such grounds shall be entitled to an action for the recovery of damages, the payment of such penalty notwithstanding.

Meetings  
of superin-  
tendents.

XXV. *And be it further enacted*, That the superintendants to be appointed in the several counties in conformity to the directions contained in this act, shall meet on the second Tuesday in May in every year, at the place in each of the said counties in which the court of general sessions of the peace for the same county was last held, previous to the said day of meeting, and as often afterwards, at such time and place as a majority of them shall agree upon, in order to hear the reports of the commissioners, and to receive the monies directed by this act to be paid into their hands to hear and determine all appeals from the decision of the commissioners, to estimate the sums of money necessary to be raised for making and improving the roads and bridges in the county, and in general to execute the power vested in them by this act, and that the said superintendants shall be allowed to retain out of the monies which may come into their hands, the sum of two dollars per day, for every day they shall be employed in executing the duties enjoined on them by this act.

Accounts  
by commis-  
sioners;  
road tax.

XXVI. *And be it further enacted*, That the commissioners of each town, in the counties aforesaid, shall in every year hereafter, lay before the superintendants of the county, at their annual meeting on the second Tuesday in May, an account of the labour assessed and performed, the sums which have been received for fines and commutation respectively, and the improvements which have been made, in each of the respective towns, during the year immediately preceding such report, together with an account of the state of the roads and bridges, with a statement of the improvements necessary to be made, and an estimate of the expence of making such improvements, beyond what the labour assessed, and the commutation monies in the

lieu of it will accomplish, in each of the towns, in the aforesaid counties respectively for the ensuing year; and the superintendants in each of the respective counties, at their annual meeting on the second Tuesday in May shall examine the reports of the commissioners of the respective towns in the said county, and estimate the sums necessary to make such improvements in the roads and bridges in the county as they may deem requisite; and the said superintendants shall lay the said estimate before the supervisors of the county at their annual meeting on the last Tuesday in May, who are hereby required to cause the same to be assessed, levied and collected in the county, in the same manner, as the necessary and contingent charges of the county are by law directed to be levied and collected; which sum shall be paid by the collectors of the respective towns into the hands of the treasurer of the county, to be by him paid to the superintendants or their order, to be employed and expended in making, altering and improving the roads and bridges in the county for which they are superintendants, in such manner as they or a majority of them shall direct: *Provided* the monies to be raised shall not in any one year exceed the sum of one thousand dollars.—

*And be it further enacted* That the superintendants of the several counties shall render an account to the supervisors of the county for which they are superintendants, at their annual meeting on the last Tuesday in May, of all monies by them received and expended in conformity to this act, during the year preceding —

Accounts rendered by superintendants.

*And be it further enacted* That each of the commissioners shall be allowed the sum of one dollar per day for every day they shall be employed in executing the duties enjoined on them by this act, to be retained out of the monies directed to be paid into their hands by this act, and to be accounted for to the superintendants of the county at their annual meeting —

Compensation of commissioners.

*And be it further enacted* That the superintendants of highways of the counties respectively, out of any monies which may come into their hands by virtue of this act, shall cause proper stones or posts to be erected by one of the sides of the post road leading from Kings bridge to Albany, thence to Schenectady, thence on the highways nearest the Mohawk river and on both sides thereof, to Old Fort Schuyler, at the distance of one mile from each other; and shall cause to be engraved or carved on each, such number, words and device as they shall direct; and if any person shall wilfully injure destroy or carry away any such stone or post, or deface the number, words or device thereon, the offender shall pay for such offence the sum of ten dollars, to be recovered by any one of the commissioners or overseers of roads and highways before a justice of the peace, in the same manner as penalties for other offences, in contravention of this act are directed to be recovered; part of which shall, by the person recovering the same, be employed in repairing such stone, post, words or device, and the residue in the same manner as monies arising from penalties for obstructing roads or highways are by this act directed to be employed.

Mile-posts to be placed on certain roads.

*And be it further enacted* That the superintendants of each of the counties aforesaid, shall out of any monies which may come into their hands, by virtue of this act, cause guide posts with proper descriptions and devices, to be erected at the intersection of all the post roads in this State, bye-roads leading to or from any town village or landing; and it shall be the duty of the overseers of the highways in the several towns, to maintain and keep in repair such guide post or guide

Guide-posts at intersection of roads.

posts as may be erected by order of the superintendants within the limits of the districts for which they are elected or appointed respectively; and every person who shall injure or deface such description, or destroy such guide post or guide posts, shall forfeit the sum of ten dollars, to be recovered by any one of the commissioners or overseers of highways of the town, before any justice of the peace of the county, in the same manner as penalties for obstructing roads are directed to be recovered, part of which to be appropriated by the person recovering the same in replacing such post, or repairing such injury, and the remainder to be paid in the same manner, as penalties for obstructing roads are directed to be paid.

Waggons,  
width of  
track

*And be it further enacted* That from and after the first day of September next, all new waggons, to be built in any part of this State shall be so constructed as that when the wheels are placed upon the axletrees, the outside of the fellows of two wheels on the same axletree shall not be less than five feet asunder.

Penalty.

*And be it further enacted*, That if after the first day of September next, the owner of any waggon shall travel therewith or shall suffer any other person to travel therewith on any public highway, if the same shall be a waggon constructed after the day last aforesaid and shall not be made as to the axletrees and wheels in conformity with the dimensions mentioned in the last preceding section, such owner being an inhabitant of this State shall forfeit the sum of one dollar, when and as often as such waggon shall be found so travelling as aforesaid, to be recovered and applied in like manner as penalties for obstructing roads are directed to be recovered and applied. *Provided* that no more than one such forfeiture by the owner of the same waggon shall be incurred in the same day —

Act recited  
repealed.

*And be it further enacted* That the act entitled “An act relative to the roads and highways in the city of Hudson,” be and the same is hereby repealed, and that the city of Hudson shall be considered as a town for all the purposes contemplated in this act.

Acts re-  
pealed.

*And be it further enacted* That all public acts relating to highways in this State, except such as relate to the city and county of New York, the counties of Suffolk, Queens & Kings shall be and hereby are repealed.

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## CHAP. 44.

AN ACT supplementary to an act entitled “An act for the relief of the Indians residing in New Stockbridge and Brothertown.

PASSED the 23rd of March, 1797.

Certain  
lands  
declared  
to be  
property  
of Stock-  
bridge  
Indians.

*Be it enacted by the People of the State of New York represented in Senate and Assembly*, That all that tract of land, being a tract of six miles square, confirmed by the Oneida Indians to the Stockbridge Indians at the treaty held at Fort Stanwix in the year one thousand seven hundred and eighty eight, shall be and remain to the said Stockbridge Indians and their posterity forever, but without any power of alienation or right of leasing the same or any part thereof, and that all and every law of this State giving or granting any right or power of leasing the said lands or any part thereof shall be and hereby is repealed.

*And be it further enacted,* That if any white person whomsoever shall enter upon any of the lands commonly called New Stockbridge, whether such land is or shall be allotted to any particular Indian, or remain as the common property of the said Indians, and shall there cutt down any timber or improve any such land, the person so doing, shall be deemed guilty of a trespass, the consent of any Indian other than the consent of the Peace makers notwithstanding, shall forfeit and pay the sum of twenty five dollars for each offence; and it shall and may be lawful for the Peace makers to prosecute for and recover such forfeiture with costs of suit in any court having cognizance thereof, which forfeiture when recovered shall be applied by the Peace makers to such uses as they shall deem most beneficial to the Indians residing on the tract aforesaid.

Trespass  
on lands.

*And be it further enacted,* That the Reverend John Sergeant, missionary to the said Indians, shall have the like remedy for the recovery of any debt or demand which he may have against any Indian or Indians in New Stockbridge aforesaid, as they have against each other by the sixth section of the said act.

Rev. John  
Sergeant.

*And be it further enacted* That it shall and may be lawful for the male Indians residing in and being inhabitants of New Stockbridge aforesaid, above the age of twenty one years, at their annual meetings, by a majority of votes, to make such bye-laws as they shall judge necessary for the improvement of their common land, laying out and working on highways, regulating fences and the trespassing of cattle, under such penalties as they shall judge proper, not exceeding the sum of three dollars for one offence to be recovered before the said peace makers by any person who will sue for the same in like manner as debts are recovered by the said act, for the use of the Indians in New Stockbridge in such manner as the said peace makers shall direct.

By-laws.

*And be it further enacted,* That all contracts made or hereafter to be made of undivided land in New Stockbridge from one Indian to another, shall be and hereby are declared null and void.

Certain  
contracts  
void.

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## CHAP. 45.

AN ACT to regulate the practice of physic and surgery in this State.

PASSED the 23rd of March, 1797.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That from and after the first day of October next, no person whomsoever now practicing physic or surgery, or administering medicine, or performing surgical operations, shall continue to do so within this State, unless he shall have produced satisfactory evidence to the chancellor, one of the judges of the supreme court, a master in chancery, or one of the judges of the courts of common pleas within this State, that he has practiced physic or surgery, or both, as the case may be, for the term of two years next preceding the day aforesaid, or shall in manner aforesaid have produced satisfactory evidence that he has studied physic or surgery, or both, as the case may be, with one or more reputable physicians or surgeons for the term of two years, and shall have obtained from the magistrate or officer before whom such evidence shall be adduced, a certificate under

Regulation  
concern-  
ing the  
practice of  
medicine.

his hand and seal, that such satisfactory evidence has been produced to him, and the person in whose favor any such certificate shall be given, shall file the same in the office of the clerk of the county wherein he reside, and take a certified copy thereof subscribed by the clerk. And each and every person who shall continue so to practice as foresaid after the said first day of October next, and shall not have obtained such certificate, and have filed the same in manner aforesaid, and shall thereafter practice physic or surgery, administer medicine or perform surgical operations, shall for every such offence, forfeit and pay the sum of twenty five dollars, to be recovered by action of debt with costs of suit in any court having cognizance thereof, one half thereof to the use of the person who shall prosecute for the same, and the other half to the use of the county in which conviction shall be had, to be by order of the court paid to the treasurer thereof.

Penalty  
for prac-  
tice by un-  
licensed  
persons.

*And be it further enacted,* That from and after the first day of October next no person whomsoever (other than such as may practice physic or surgery in conformity to the preceding section of this act) shall practice physic or surgery, administer medicine or perform surgical operations within this State (except under the immediate direction of the physician or surgeon with whom he serves an apprenticeship or studies to qualify himself to become a physician or surgeon) unless he shall produce to the chancellor, one of the judges of the supreme court, a master in chancery, or one of the judges of the courts of common pleas within this State, a certificate subscribed by one or more physicians or surgeons with whom he has served an apprenticeship for the purpose of being taught the art of physic and surgery, or with whom he has studied for that purpose, specifying and declaring, that the person in whose favor such certificate is given, hath regularly studied physic or surgery, or both (as the case may be) with the subscriber or subscribers of such certificate for the term of four years, and that he is sufficiently qualified to practice physic or surgery, or both (as the case may be) to which certificate, if the subscriber or subscribers be resident within this State, he or they shall make oath before either of the magistrates or officers hereinbefore mentioned; and the magistrate or officer by whom such oath shall be administered shall then endorse on such certificate, a permit, that the person therein named, is in conformity to law permitted to practice physic or surgery, or both (as the case may be) within this State, and shall subscribe such permit with his name, and affix his seal thereto; and the person in whose favor such permit shall be granted, shall file the same in the office of the clerk of the county wherein he resides, and shall take a certified copy thereof; and each and every person who shall practice physic or surgery without such permit, and without having filed the same in manner aforesaid, shall for every such offence forfeit and pay the sum of twenty five dollars, to be recovered and applied in like manner as is directed with respect to the forfeiture mentioned in the first section of this act. *Provided always* that if the person in whose favor such certificate shall be given, shall produce satisfactory evidence that he has been graduated in any college or university in this State or elsewhere, then he shall be entitled to such permit as aforesaid, altho' he should not have studied physic or surgery, or both (as the case may be) any longer than three years. *Provided also* that if any such certificate shall be given and attested to by one or more physicians or surgeons not resident within this State, the same shall be attested to, before, and certified under the hand and seal of a judge of the supreme or superior court of the State in which

such certifying physician or surgeon shall reside, and be produced to the chancellor or one of the judges of the supreme court of this State; and if it shall appear to the chancellor or judge, that in his estimation, the certificate and signature of the judge before whom such attestation is made, is genuine, he shall then and not otherwise endorse thereon such permit as aforesaid. *Provided further* that if any physician or surgeon with whom a person applying for such permit has studied physic or surgery, or both, should be dead, or not resident within this State; such permit may nevertheless be granted upon satisfactory evidence being adduced of such death or non-residence, together with satisfactory proof that he has studied physic or surgery, or both (as the case may be) for the term of four years, in which proof shall be specified the name or names of the physicians or surgeons with whom he has studied.

*And whereas* upon sudden emergency, it may be necessary to apply for aid, from persons not qualified to practice physic or surgery in conformity to this act.

*Therefore be it further enacted* That in every such case it shall and may be lawful for any persons not authorized by this act to practice physic or surgery, to administer medicine, and to perform surgical operations, but shall not ask demand or recover any compensation therefor. Sudden  
emergencies.

*And be it further enacted* That nothing in this act contained shall be construed to affect any person who may have obtained, or shall hereafter obtain the degrees of batchellor or doctor of medicine or any other degree or licence conferring a right to practise physic or surgery in any academy, college or university within this State or elsewhere, having authority to confer such degree, *provided*, that the person having obtained or who shall obtain such degree, shall file a copy thereof in the office of the secretary of this State, or in the office of the clerk of the county wherein he resides, but until such copy shall be so filed, the person in whose favor such diploma has been given shall not practice physic or surgery within the State without being liable to the forfeiture and payment of twenty five dollars to be recovered and applied as other forfeitures by this act are directed to be recovered and applied. Act not to  
affect doc-  
tors of  
medicine.

*And be it further enacted*, That nothing in this act contained shall be construed so as to prevent any physician or surgeon resident in any other State from practising within this State upon any particular occasion upon the special request of a physician or surgeon entitled by this act to practice physic or surgery within this State. Physicians  
of other  
States.

*And be it further enacted* That if any person shall counterfeit any certificate or permit intended by this act, and shall be thereof convicted in the supreme court, any of the circuit courts or court of general sessions of the peace, the court shall in their discretion punish the offender by fine and imprisonment, and the person so convicted, if a practising physician or surgeon, shall never thereafter be permitted to practice physic or surgery within this State. *Provided always* that such fine shall not exceed one hundred dollars. Penalty for  
counter-  
feiting  
certificates.

*And be it further enacted*, That the act entitled "An act to regulate the practice of physic and surgery in the city and county of New York" shall be and hereby is repealed from and after the said first day of October next. Act recited  
repealed.

## CHAP. 46.

### AN ACT for dividing the town of Schuyler in the county of Herkimer.

PASSED the 24th of March, 1797.

Trenton,  
town of,  
erected.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That from and after the first Monday of April next, all that part of the town of Schuyler, bounded as follows, vizt. Beginning at a point in the westerly line of the said town four miles northerly in the direction of the said westerly line from the Mohawk river, thence northerly on said town line to the north west corner thereof, thence easterly along the line of the said town to the great falls on the Canada creek, thence down said creek to the north west corner of lot number fifty five on Gage's patent so called, thence on the west line of said patent southerly to the northwesterly corner of lot number eighteen on said patent, thence westerly on a straight line to the place of beginning shall be and hereby is erected into a separate town by the name of Trenton.—And that the first town-meeting be holden at the dwelling house of Thomas Weeks in said town; and that all the remaining part of the said town of Schuyler be and remain a separate town by the name of Schuyler. And that the first town meeting in said town shall be held at the house of George G. Weber.

Town offi-  
cers.

*And be it further enacted* That the freeholders and inhabitants of each of the respective towns hereby erected shall be and hereby are impowered to hold town-meetings and elect town officers as the freeholders and inhabitants of other towns in this State may do by law; and that the inhabitants of each of the said towns respectively, and the town officers to be by them elected shall have the like powers and privileges, and be subject to the like regulations and penalties as the freeholders, inhabitants and town officers of other towns in this State are entitled and subject to by law.

Division of  
the poor.

*And be it further enacted* That as soon as may be after the first Tuesday of April next, the supervisors and overseers of the poor of the town aforesaid, shall by notice to be given for that purpose by the supervisors thereof, meet together and apportion the poor maintained by the said town of Schuyler and the poor money belonging to the same, previous to the division thereof in an equitable manner. And if the supervisors and overseers of the poor cannot agree upon such division of the poor and poor money as aforesaid, then and in such case the supervisors of the county of Herkimer shall at their next meeting apportion and divide the poor maintained and the poor money as aforesaid in such manner as shall appear to them most just and equitable, and the said towns thereafter respectively shall maintain their own poor.

**CHAP. 47.****AN ACT for dividing the town of Sangerfield in the county of Herkimer.**

PASSED the 24th of March, 1797.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That from and after the Monday preceding the first Tuesday of April next all that part of the town of Sangerfield lying easterly of the division line between the third & fourth quarters of the twentieth township so called be and is hereby erected into a sepe-  
Bridge-  
water,  
town of,  
erected.
rate town by the name of Bridgewater, & that the first town meeting in the said town shall be held at the dwelling house of Thomas Convers in said town.

*And be it further enacted* That all the remaining part of the town of Sangerfield be and remain a sepe-  
Sanger-  
field.
rate town by the name of Sangerfield, and that the first town meeting in said town shall be held at the dwelling house of Ebenezer Hale.

*And be it further enacted* That the freeholders and inhabitants of the said town respectively shall be and hereby are impowered to hold town meetings, and elect such town officers and enjoy all the privileges that the freeholders and inhabitants of other towns in this State may do by law.  
Town off-  
cers.

*And be it further enacted* That as soon as may be after the first Tuesday of April next the supervisors and overseers of the poor of the towns aforesaid, shall by notice to be given for that purpose by the supervisors of the towns aforesaid meet together and apportion the poor maintained previous to the division thereof together with the money belonging to the same between the said towns in a just & equitable manner; and if the supervisors and overseers of the poor cannot agree upon such division as aforesaid, then and in such case the supervisors of the county shall at their next meeting apportion and divide the poor & money as aforesaid in such manner as shall appear to them just and equitable; and the said towns shall thereafter respectively maintain their own poor.  
Division of  
the poor.

**CHAP. 48.****AN ACT for the better extinguishing of fires in the village of New Burgh in the county of Ulster.**

PASSED the 24th of March, 1797.

*Be it enacted, by the People of the State of New York represented in Senate and Assembly* That it shall and may be lawful for the freeholders and inhabitant living in the town of New Burgh having a right to vote at town meetings and residing within the following limits to wit — Beginning at a place on the west bank of Hudson's river where a due west line will run six rods north of the academy, the same line to be continued to the west line of the German Patent, then south along the said west line to the south line thereof, then easterly  
Newburgh,  
village of,  
fire depart-  
ment in.



along the south line of said Patent to Hudson's river, then northerly along the same to the place of beginning, to be called the village of New Burgh; to meet together at such place in the said village of New Burgh as the trustees herein after directed to be chosen shall appoint, on the first Monday in May in every year, and then and there proceed to choose by ballot not less than three nor more than five trustees to be called the trustees of the fire company in the village of New Burgh.

Where  
meeting  
held.

*And be it further enacted*, That the first meeting of the freeholders and inhabitants in said village for the purposes aforesaid shall be held at the house of Francis Brewster.

Powers of  
trustees.

*And be it further enacted*, That the said trustees to be chosen as aforesaid or a major part of them shall have full power and authority to nominate and appoint a sufficient number of firemen (willing to accept) not exceeding twenty to every fire engine now provided or hereafter to be provided for the use of the said village out of the inhabitants being freeholders, or persons renting tenements to the value of one hundred dollars per annum, to have the care management, working and using the said fire engines and the other tools and instruments now or hereafter to be provided for the extinguishing of fires within the said village which persons so to be nominated and appointed as aforesaid shall be called the firemen of the village of New Burgh who are hereby required to be ready at all fires as well by night as by day to manage work and use the said fire engines and other tools and instruments aforesaid.

Exemption  
of firemen.

*And be it further enacted*, That each of the persons so to be nominated and appointed a fireman, shall during his continuance in office be exempted and privileged from serving in the office of constable and from being impannelled upon any jury or inquest (except in the justices court within said village) and for this purpose the name of each fireman to be appointed by virtue of this act shall be entered with the clerk of the town of New Burgh, and his certificate shall be sufficient evidence in all courts and elsewhere of such exemption and privilege, *and further* that said trustees or a major part of them

Removals.

shall have power from time to time to remove any fireman so to be appointed and others to appoint in the stead of those removed, when and as often as they shall think proper. *And further* that it shall be lawful for the said trustees or a major part of them to make establish and ordain such rules and regulations for the government, duty, and behaviour of the person so to be appointed fireman as aforesaid in the working and frequent using and trying the said fire engines tools and instruments and to impose such reasonable fines and penalties (not exceeding five dollars for any one offence) upon such firemen or any of them for default in performing the duties hereby to be enjoined or required from them, as they from time to time may think proper.

Rules and  
regulations.

Duty of  
village  
officers  
and con-  
stables.

*And be it further enacted*, That upon the breaking out of any fire within the said village, the trustees aforesaid and constables of said town of New Burgh then being in said village, upon notice thereof shall immediately repair to the place where such fire shall happen, with staves and such other badges of authority as shall be ordained by a majority of them to be worn, and be aiding and assisting as well in extinguishing the said fires as in preventing any goods from being stolen and also in removing and securing the same, and in the execution of the duties required of them by this act, together with the justices of the peace if any shall be present. They are hereby authorized to command the assistance of all and every of the able bodied

inhabitants of said village, whose duty it shall be to obey and execute all orders and directions of the trustees and magistrates aforesaid in extinguishing said fires, removing and securing of goods, providing water for the engines and assisting the firemen in working the same.

*And be it further enacted,* That it shall be lawful for the trustees aforesaid, or a major part of them to direct and require the inhabitants or owners of dwelling houses and other buildings in said village to provide themselves with such and so many fire buckets to be ready in such houses and buildings for the purpose of extinguishing fires, and to impose such reasonable fines and penalties for disobedience thereof as they shall think proper, not exceeding the sum of three dollars for each bucket which shall be neglected to be furnished as aforesaid. Fire buckets to be provided.

*And be it further enacted,* That all fines incurred & adjudged to be levied by the trustees aforesaid shall be recovered by any one of said trustees aforesaid in his own name before any justice of the peace in the same county with costs of suit, to be reported to the said board of trustees and appropriated by a majority of the same for the purpose of procuring and keeping in repair the fire engines and other instruments necessary for the extinguishing of fires in the said village of New Burgh. Recovery of fines.

## CHAP. 49.

AN ACT for the better extinguishing of fires in the town of Kingston in the county of Ulster.

PASSED the 24th of March, 1797.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That it shall and may be lawful for the trustees of the freeholders and commonalty of the town of Kingston in the county of Ulster, or the major part of them to nominate and appoint a sufficient number of men (willing to accept) residing within half a mile of the court house, not exceeding twenty to every fire engine now provided or hereafter to be provided for the use of the said town, to have the care, management working and using the said fire engines and other tools and impliments now or hereafter to be provided for extinguishing fires within the said town: Which persons so to be nominated and appointed as aforesaid, shall be called the firemen of the town of Kingston, who are hereby required to be ready at all fires as well by night as by day, to manage, work and use the said fire engines and other tools and impliments aforesaid. Kingston, town of, fire department in.

*And be it further enacted,* That each of the persons so to be nominated and appointed a fireman, shall during his continuance in office be exempted and privileged, from serving in the office of constable and from being impanelled upon any jury or inquest, and for this purpose the name of each fireman to be appointed by this act, shall be entered with the clerk of the said county, and his certificate shall be sufficient evidence in all courts and elsewhere of such exemption and privilege: *And further* that the said trustees or a majority of them, shall have power from time to time to remove any fireman so to be appointed and others to appoint in the stead of those removed, when and as often as they shall think proper. *And further* that it Exemptions of firemen.

Removals.

Rules and  
regula-  
tions.

shall be lawful for the said trustees or a majority of them, to make, establish and ordain such rules and regulations for the government duty and behaviour of the persons so to be appointed firemen as aforesaid, in the frequent working using and trying the said fire engines, tools and other impliments, and to impose such reasonable fines and penalties upon such firemen or any of them for default in performing the duties thereby to be enjoined or required from them, as they from time to time may think proper, not exceeding the sum of five dollars for any one offence.

Duty of  
town offi-  
cers and  
constables.

*And be it further enacted,* That upon the breaking out of any fire within the limits aforesaid, the trustees aforesaid, and constables of the said town of Kingston then being in the limits as aforesaid, upon notice thereof shall immediately repair to the place where such fire shall happen with staves and such other badges of authority as shall be ordained by a majority of them to be worn, and be aiding and assisting as well in extinguishing the said fires as in preventing any goods from being stolen, and also in removing and securing the same; and in the execution of the duties required of them by this act, together with the justices of the peace if any shall be present they are hereby authorized to command the assistance of all and every of the able bodied inhabitants within the limits aforesaid whose duty it shall be to obey and execute all orders and directions of the justices and trustees aforesaid in extinguishing said fires, removing and securing of goods, providing water for the engines and assisting the firemen in working the same.

Fire  
buckets  
to be pro-  
vided.

*And be it further enacted,* That it shall be lawful for the trustees aforesaid or a major part of them to direct & require the inhabitants or owners of dwelling houses and other buildings within the limits aforesaid to provide themselves with such and so many fire buckets, to be ready in such houses & buildings for the purpose of extinguishing fires, and to impose such reasonable fines and penalties for disobedience thereof as they shall think proper not exceeding the sum of three dollars for each bucket.

Recovery  
of fines.

*And be it further enacted,* That all fines incurred and adjudged to be levied by the said trustees or a majority of them as aforesaid, shall be recovered by any one of the said trustees in his own name before any justice of the peace in the same county with costs of suit, to be reported to the said board of trustees and appropriated by a majority of them for the purpose of procuring and keeping in repair the fire engines and other instruments necessary for the extinguishing of fires within the limits aforesaid.

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## CHAP. 50.

**AN ACT** to divide the town of Burlington in the county of Otsego into two towns, and to ascertain the boundaries of the towns therein mentioned.

PASSED the 24th of March, 1797.

Pittsfield,  
town of,  
erected.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That all that part of the town of Burlington contained within the following boundaries to wit, beginning at the southeast corner of Smiths patent on the north line of the town of Otego, thence westerly on said line, and the north line of the town of

Batternuts to the Unadilla river, thence up said river about six miles on a straight line to a tree marked A. D. T.L. thence north eighty eight degrees east to the west line of Veree's patent, thence northerly to the northwest corner thereof, thence along the north line of said patent and the lands formerly owned by John Johnson and the same line continued to the west line of the town of Otsego thence southerly on said line to the place of beginning, shall be and is hereby erected into a separate town by the name of Pittsfield, and that the first town meeting shall be held at the house of Daniel Watson in said town; and that all the remaining part of the town of Burlington shall be and remain a separate town by the name of Burlington; and that the first town meeting in said town shall be held at the house of Willard Church.

Burlington.

*And be it further enacted*, That from and after the first Monday of April next, the freeholders and inhabitants of each of the said towns shall be and hereby are impowered to hold town meetings and elect such town officers as the freeholders and inhabitants of any town in this State may do by law; and that the freeholders and inhabitants of the said towns and the town officers to be by them elected respectively shall have the like powers and privileges, and be subject to the like penalties and restrictions, as the freeholders, inhabitants and town officers of any other town in this State.—

Town officers.

*And be it further enacted*, That as soon as may be after the first Tuesday of April next, the supervisors and overseers of the poor of the towns aforesaid, shall by notice to be given for that purpose by the supervisors of the towns aforesaid, meet together and apportion the poor maintained by the said town previous to the division thereof and also divide all money in the hands of the overseer of the poor previous to the division thereof in an equitable manner; and if the supervisors and overseers of the poor cannot agree upon such division of the poor and money as aforesaid, then and in such case, the supervisors of the county, shall at their next meeting apportion and divide the poor and money as aforesaid, in such manner as shall appear to them most just and equitable —

Division of the poor.

*And whereas* by a law passed the tenth day of April in the year one thousand seven hundred and ninety two dividing the town of Otsego into four towns, the lines between the towns of Burlington and Richfield, and between those towns and the present town of Otsego are indefinite: Therefore

*Be it further enacted* That the following line to wit, beginning at the northeast corner of Coldens patent, thence along the north boundaries thereof to the northwest corner of the same, and that line continued to the Unadilla river, shall be the northerly bounds of the town of Burlington, and south bounds of the town of Richfield, and that the dividing boundary between the last mentioned towns and the town of Otsego, shall hereafter be from the northwest corner of the Hardwick patent to and along the old westerly line of the tract of land commonly called the twelve thousand acres, to the south east corner of Schaylers patent, thence along the easterly boundary of said patent to the county of Herkimer; any law to the contrary notwithstanding.

Burlington, Richfield and Otsego, boundaries of.

## CHAP. 51.

### AN ACT to settle disputes concerning the titles to lands in the county of Onondaga.

PASSED the 24th of March, 1797.

**Preamble.**

WHEREAS a convention of delegates from a number of towns in the county of Onondaga have by their petition presented to the legislature, prayed that a law may be passed authorizing a speedy and equitable mode of settling disputes relative to the titles of land in that county: Therefore

Commissioners to determine controversies over title to lands in Onondaga county.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That Robert Yates, James Kent and Vincent Matthews shall be, and they are hereby appointed commissioners with full power to hear, examine, award and determine according to law and equity, all disputes and controversies respecting the titles, and all claims whatsoever to any lands in the county of Onondaga, and to examine any party or parties submitting to their examination and witnesses on oath, and to commit any witness refusing to be sworn or to answer any question or questions touching the premises to the goal of the county in which they may then sit there to remain until he or she shall submit to be sworn, and to answer such question or questions; *provided always* that no person shall be obliged to answer any question which may tend to charge himself or herself with any crime, nor shall any witness be compelled to answer any question or questions wherein he or she shall be interested.

Examination of witnesses.

*And be it further enacted,* That it shall be lawful for the said commissioners at the request of any person interested in any controversy relating to the said lands, to cause any person or persons to be summoned to appear before them to be examined touching the premises and to issue subpoenas for that purpose, and if any person being duly summoned, and reasonable compensation given or tendered to him or her shall refuse or neglect to attend, or be examined, not having any lawful or reasonable let or impediment to the contrary, every such person shall forfeit the sum of one hundred dollars to be recovered with costs of suit, in any court of record, by action of debt, in the name and to the use of the person or persons at whose instance such person was summoned.

Awards of commissioners, record and effect of; dissents.

*And be it further enacted,* That the said commissioners shall as soon as conveniently may be after the first day of June next, assemble together at Aurora in the town of Scipio, in the county of Onondaga, and then and there, and at such other times and places as they shall from time to time think proper to appoint for that purpose, proceed to execute the trusts reposed in them by this act, and shall cause their award or determination upon every claim or controversy, respecting any lands in the said county of Onondaga to be entered in a book or books to be by them provided for that purpose; which award or determination shall after the expiration of two years after the making thereof become binding and conclusive to all persons, except such as conceiving themselves aggrieved by any such award or determination shall within the said two years dissent from the same, and give notice thereof to the said commissioners or file the same in the office of the clerk of the county of Onondaga, and shall also if not in the actual possession of such land within three years after such award or de-

termination, commence a suit or suits either at law or in equity to recover the land, or to establish his or her right to the same, and shall prosecute such suit or suits to effect, in which case such award or determination shall not operate as a bar to such suit or suits but if no such suit or suits are brought within the times aforesaid and prosecuted to effect, then the said award or determination of the commissioners shall be final and conclusive. And in case any such suit commenced within the time aforesaid shall abate by the death of the defendant, then the party dissenting, or if by his death, then his heirs or devisees may at any time within one year revive such suit, or if necessary commence a new suit for the purpose aforesaid, and prosecute the same with like effect as such first suit might have been prosecuted if it had not abated as aforesaid; and the said commissioners are hereby directed to enter in the said book or books a note of the time of receiving every such dissent, and when they shall have executed the trusts and duties by this act committed to them, they shall deposit the said book or books, in the office of the clerk of the said county of Onondaga, there to remain as records of their proceedings. *Provided always* that if the parties in any case will enter into an agreement before the said commissioners to abide by their determination, then and in every such case the award or determination of the said commissioners shall be final and conclusive as to such parties and their heirs forever.

Suits respecting titles.

*And be it further enacted,* That the clerk of the said county of Onondaga shall from time to time at the expence of the parties attend the said commissioners with such deeds, conveyances, papers and records as they shall from time to time direct and require, and that it shall be lawful for the said clerk to leave such of them in their hands, as they may at any time require.

Clerks of county to attend.

*And be it further enacted* That the said commissioners shall as soon as conveniently may be, after the passing of this act, cause a notice of their appointment to be inserted in the news-paper printed by the printer to the State, and in one of the news papers printed in each county of this State, in which a news-paper is printed, and therein fix the time of their first meeting, and require all persons having any dispute or controversy respecting any title or claim to any land in the said county of Onondaga, to appear in person or by their agent or attorneys before the said commissioners, at the time and place therein mentioned to exhibit their claims, that the said commissioners may proceed in the execution of the trusts committed to them.

Notice of meeting.

*And be it further enacted* That as to all the lands in the said county of Onondaga, concerning which no adverse claim shall appear or be made before the said commissioners, they shall cause an entry to be made in the said books to that effect; but in all cases where interfering claims shall appear or be made, they shall examine and determine the same; and in all cases where there are filed or recorded in the said office, two or more deeds from one and the same person, or in the same right to different persons, if any person interested under either of them shall neglect to make his claim, and in all cases where several persons appear to have claims to one and the same piece of land, and any of them do not appear before the said commissioners, they shall cause a notice to be published in the news-papers aforesaid and continued for six weeks, requiring all persons interested in such land, to appear at a certain time and place therein mentioned, not less than six months from the date of such notice, and exhibit their claims to the same land, and after the expiration of the time therein mentioned,

Entry of notices of claims; notice to appear where conflicting claims are filed.

it shall be lawful for the said commissioners to proceed to the examination and determination of all matters concerning the said land and the title to the same, whether all or any of the parties interested therein appear and exhibit their claims or not, saving to all persons aggrieved by any such award or determination the right of dissenting and prosecuting in the manner aforesaid.

Where  
award  
made  
against  
person in  
possession.

*And be it further enacted* That if the party dissenting in any of the cases aforesaid, shall be in the actual possession of the premises, then and in every such case, the award or determination of the said commissioners so dissented from, shall as to the party so dissenting be considered of no effect, and in every such case, unless the party in whose favor such award or determination shall be made, shall within three years after such award is made commence a suit either at law or in equity to recover the land or to establish his or her right to the same, and shall prosecute such suit with effect, then such person in whose favor such award or determination is made, and his and her heirs shall forever be barred of all right, title and claim in and to the land concerning which such award or determination is made, but if any such suit should abate by death or otherwise, such suit may be revived, or a new suit brought\* as aforesaid within the time herein before limited for that purpose as aforesaid.—

Two com-  
missioners  
may act.

*And be it further enacted* That all and every power and trust hereby vested in the said commissioners may be executed by them, or any two of them; and that each of the said commissioners shall be allowed for his services, including his expences six dollars a day for every day he shall be employed in the business aforesaid; and they are hereby directed to lay their accounts thereof, with an account of their disbursements for purchasing the said books, and for printing the said advertisements before the legislature, in order that provision may be made for the payment thereof—

Expenses.

*And be it further enacted* That all expences incurred in procuring any witnesses, shall be at the proper charges of the person or persons in whose favor such witnesses shall attend, & such witness so subpoenaed & attending shall be entitled to receive, exclusive of his or her necessary expences, seventy five cents for each and every day he or she may be absent from home as a witness as aforesaid —

Proviso, as  
to infants,  
feme cov-  
erts, etc.

*Provided always* that neither this act, nor any thing therein contained shall extend or be construed to the prejudice of any person under the age of twenty one years, or feme covert or person not of sound mind or in prison, if such infant, feme covert, person not of sound mind or prisoner, shall within three years after coming to the age of twenty one years, becoming dis-covert, of sound mind and at liberty make their dissent, and bring their suit and prosecute the same to effect as aforesaid —

Report to  
legislature  
of lands  
owned by  
people.

*And be it further enacted* That that in all cases where it shall appear to the said commissioners, that the people of this State, or some person or persons other than any of the claimants is or are entitled to any of the said lands, they shall cause an entry to that purpose to be made in the said books, and report all such cases to the legislature.—

Vacancy in  
commis-  
sion.

*And be it further enacted* That in case of the refusal to serve or death of any of the commissioners named in this act, it shall and may be lawful for the person administering the government of this State for the time being from time to time to appoint another person or persons, as the case may be, to supply every such vacancy, and the

\* So in original.

person or persons so appointed shall continue to execute the trust by this act conferred, as fully as tho' he or they had been named in this act, until another or others shall be appointed by legislative act.

*And be it further enacted* That the commissioners appointed or to be appointed by virtue of this act, shall not exercise any of the powers hereby granted to them after the first day of June one thousand eight hundred.

Time in which to act.

## CHAP. 52.

### AN ACT limiting the period of bringing claims and prosecutions against forfeited estates.

PASSED the 28th of March, 1797.

WHEREAS the title deeds and other documents relative to forfeited estates were generally carried away by the former proprietors whose conduct caused their forfeiture, and the title of the State as resulting from such forfeitures is thereby peculiarly liable to be obscured or defeated. Therefore

Preamble.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That no person or persons, bodies politic or corporate who now have, or shall or may hereafter have any estate, right, title claim or demand in or to any lands, messuages, tenements or hereditaments supposed to have been forfeited to the people of this State in consequence of the attainder or conviction of any person or persons for any act or crime done or committed during the late war and which have been heretofore granted or conveyed to any person or persons, bodies politic or corporate by the commissioners of forfeitures or other person or persons duly authorized for that purpose on the part of this State, shall after the expiration of five years from and after the passing of this act and where the estate, right, title, claim or demand shall hereafter accrue, then after the expiration of five years after the same shall so accrue have, prosecute, sue or maintain any action or suit at law for the recovery thereof against the right or title so granted or conveyed by the people of this State as above said.—

Claims against forfeited estates, barred in five years.

*And be it further enacted,* That if any person or persons, bodies politic or corporate shall and do at any time after the said respective periods of five years, sue or prosecute any suit or action at law or make any title or claim of, in or to any of the said lands, tenements, or hereditaments so as aforesaid granted by such commissioners of forfeitures or other person or persons duly authorized for that purpose on the part of this State, that then & in such case such person or persons, bodies politic or corporate their heirs and successors so suing or prosecuting such suit or action shall from thenceforth be utterly barred forever of all and every such suit or action, estate, right, title or claim so thereafter to be sued, prosecuted or had of in and to the same, against the right or title so granted or conveyed by the people of this State as aforesaid. Provided always

Id.

*And be it further enacted,* That if any person or persons who is, are or shall be entitled to sue or prosecute such suit or action, or who hath, have or shall have such right or title, shall be within the age of twenty one years, femes covert, or insane, that then such person or persons his her and their heirs and assigns shall or may at any time

Proviso as to infants, etc.



within five years next after his, her or their coming to full age, or of sound mind, or discovery, bring, sue and prosecute such suit or action, and at no time thereafter.

## CHAP. 53.

AN ACT relative to the court house lot in the county of Montgomery.

PASSED the 28th of March, 1797.

**Preamble.** WHEREAS the supervisors of the county of Montgomery, by their petition presented to the legislature, sett forth, that the court house in the said county, is much in want of repair and that the lot upon which the said house is built, is large, and a great part thereof of no benefit to the said county; they therefore pray, that the legislature would vest them with competent power to dispose of a certain portion of the said lot of ground, for the purpose of repairing the court house and goal of the said county Therefore.

Land  
vested in  
Mont-  
gomery  
county.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That all the right and title of this State, in and to so much of the west end of the said lot of ground aforesaid, lying west of a line drawn across the said lot, parallel to the east bounds thereof through a point thirty feet distant from the north west corner, of the court house aforesaid, be and hereby is vested in the board of supervisors of the said county, for the uses and purposes above recited and for none other; and that the said board of supervisors, or a majority of them, by this act, have full power and authority, to dispose of the said part of the said lot, at such time, and on such terms, as to them may seem best, for the uses and purposes aforesaid.

## CHAP. 54.

AN ACT in addition to an act entitled "An act for the further direction of the commissioners of the land office," and for other purposes therein mentioned.

PASSED the 28th of March, 1797.

**Preamble.** WHEREAS by the fourth section of the above mentioned act it is enacted, that the townships of Galen and Stirling, part of the military tract shall be surveyed and laid out into lots in the manner in which the other townships in the said tract were by law directed to be laid out, and that the grantee in any lot, in either of the said townships, shall previous to his obtaining a grant, pay into the treasury the sum of six dollars in compensation for the expence of the survey thereof: *And whereas* it appears that the grants of the said lots in said townships of Galen and Stirling were made previous to the passing of said act, by means whereof the compensation thereby intended is defeated: Therefore

Galen and  
Stirling to  
be laid out  
in lots and  
sold.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That it shall be the duty of the surveyor general to cause the said townships of Galen & Stirling to be surveyed into lots as aforesaid, and to cause a notice to be printed for six weeks suc-

cessively in the news-papers printed by the printer of the State, and by the printers in the city of Albany, that unless the sum of six dollars be paid to him on or before the first day of July next, by the proprietor of any lot, in either of the said townships, fifty acres of such lot shall be sold for defraying the expence of the survey thereof; *and further* that it shall be lawful for the surveyor general out of any one of the corners of each lot for which the said sum of six dollars shall not be paid for the purposes aforesaid, on the said first day of July next, to advertise and sell fifty acres in the manner prescribed by an act entitled "An act to carry into effect the concurrent resolutions and acts of the legislature for granting certain lands promised to be given as bounty lands, and for other purposes therein mentioned" passed the 6th of April 1790, and the surplus money arising from such sale after deducting the expence of survey and sales shall be applied in the same manner as is directed in the act last above recited—

*And whereas* it will be of great utility to have the divisions of this State into counties and towns accurately delineated on a general map thereof, which cannot be done without surveys still to be made of many of them either wholly or in part: Therefore

*Be it further enacted* That the surveyor general shall cause to be surveyed and marked such or so much of the bounds of any of the counties in this State as have not heretofore been surveyed & marked; and that it shall be the duty of the supervisor of each town in the counties of Suffolk, Queens, Kings, Richmond, Westchester, Orange, Ulster, Dutchess, Columbia, Albany and Saratoga to cause an accurate map to be made of the town of which he is the supervisor, and for that purpose to cause so much of the outlines of such town to be surveyed as may be necessary in addition to the surveys heretofore made, and which have been or may otherwise be obtained; which map so made he shall on or before the first day of February next, cause to be delivered into the surveyor general's office. *Provided always*, that if the surveyor general shall signify that he needs only a part or parts of the bounds of any particular towns, then a map of such part or parts only shall be made and delivered as aforesaid.

Bounds of counties and towns to be surveyed.

*And be it further enacted* That whenever the surveyor general shall give information to any supervisor of any other town in this State that no survey is to be found of certain parts of the bounds of the town of which he is the supervisor, in that case it shall be the duty of such supervisor to cause a map of such parts to be made & delivered as aforesaid.—

Survey of towns.

*And be it further enacted* That the costs and charges arising from the making of such maps and surveys shall be paid by the towns of which the same have been made respectively, in such way and manner as other contingent charges of towns are paid.

Costs and charges, how paid.

*And be it further enacted* That in case of the refusal or neglect of any supervisor for the time being to cause a survey and map to be made and delivered according to the true intent and meaning of this act, he so refusing or neglecting shall forfeit and pay the sum of fifty dollars to be recovered by the attorney of the district in which such supervisor shall reside, in action of debt, in any court of record in this State having cognizance thereof; and it is hereby made the duty of said attorney to prosecute any delinquent or delinquents in the premises, and the monies so recovered shall be delivered to the surveyor general, and by him be applied to the making of a map of such town or towns being delinquent as aforesaid.

Penalty for neglect to cause survey to be made.

Appropriation.

*And be it further enacted* That it shall be lawful for the treasurer of this State to pay to the surveyor general a sum not exceeding one thousand dollars to defray the expence of performing the surveys of counties hereby directed, and such as he has already performed, in consequence of the act passed the 11th day of April 1796, for which sum he shall account with the comptroller of this State.—

Maps to be deposited.

*And be it further enacted* That the surveyor general, as soon as he shall have compleated a map of this State in conformity to the documents directed to be furnished him by this act, shall furnish each branch of the legislature with one map, and shall cause one map for each town in this State to be deposited in the office of the secretary of this State, to be given to the clerk of each town, or to his order, for the use of said town.

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## CHAP. 55.

AN ACT supplementary to the act entitled An act to amend an act entitled an act for the better levying and accounting for fines, forfeitures issues amerciaments and debts due to the people of this State.

PASSED the 28th of March, 1797.

Audit of account of officer sent to another State to apprehend a fugitive.

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That in all cases where the executive of this State in pursuance of the constitution of the United States, or any law of the United States, hath or hereafter shall demand from the executive authority of any State in the Union, any person as a fugitive from justice, it shall and may be lawful for the court of exchequer to audit the account of the person who hath been or hereafter may be deputed or employed by the executive of this State to claim and demand such fugitive, and the said person so deputed and employed shall be entitled to receive out of the treasury of this State the sum which the judge of the said court of exchequer shall under his hand and seal certify to be reasonably due to him for such service.—

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## CHAP. 56.

AN ACT for the relief of William W. Thompson.

PASSED the 28th of March, 1797.

WHEREAS by an act entitled “An act to authorize the committment of persons that may be apprehended in the counties of Westchester or Ulster to the gaols of the counties of Dutchess, Orange or Albany” passed the 30th day of March 1778, the gaols of the counties of Orange and Dutchess were made the gaols of the county of Ulster, and the sheriffs of the said counties of Orange and Dutchess were directed to receive and keep all prisoners sent to them from the county of Ulster.

*And whereas* felons and other State prisoners from the county of Ulster were by the justices of the peace thereof sent to the gaol of the said county of Orange whereof William W. Thompson was then sheriff;

for keeping and boarding of whom the said William W. Thompson hath been at considerable expence:

*And whereas* the said William W. Thompson hath by his petition presented to the legislature, set forth that the supervisors of the said county of Ulster, refuse to audit and allow his account for keeping and boarding the said prisoners: Therefore

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That it shall be the duty of the supervisors of the county of Ulster, or the major part of them, and they are hereby required to audit the accounts of the said William W. Thompson for keeping and boarding the said prisoners sent to the gaol of the said county of Orange from the said county of Ulster by the justices of the peace and other ministerial officers of the said county of Ulster by virtue of the said act, as shall appear to be just and equitable, and cause the said sum of money so audited, to be levied, raised and collected from the freeholders and inhabitants of the said county of Ulster at the same time and in the like manner as other contingent charges of the said county are levied, raised and paid, and the treasurer of the said county is hereby directed and required to pay the same to the said William W. Thompson on his producing an order from the said supervisors or the major part of them for that purpose, on or before the first day of March next.

Accounts of William W. Thompson, audit of, by Ulster supervisors.

## CHAP. 57.

AN ACT to amend the law to prevent the bringing and spreading of infectious diseases in this State.

PASSED the 28th of March, 1797.

WHEREAS it is represented to the legislature that there are certain manufacturers of soap and candles in the city of New York, whose works are so situated, and whose business is so carefully managed, as neither to endanger the health, nor be offensive to their neighbours: Therefore

Preamble.

*Be it enacted by the People of the State of New-York represented in Senate and Assembly,* That the person administering the government of this State, with any two of the commissioners of the health office, may in writing under their hands, permit all such manufacturers of soap and candles to remain and exercise their said trades within the city of New York to the southward of the bounds or line designated in the fifth section of the act entitled "An act to amend the act entitled An act to prevent the bringing in & spreading of infectious diseases in this State" any thing in the said act to the contrary notwithstanding; *Provided nevertheless,* that such permits may in the discretion of the persons having authority to give the same, be granted to such starch makers, whose manufactories are not situated to the southward of fresh water; which certificate shall remain in force, until the person administering the government of this State, and any two of the commissioners shall by writing under their hands supersede the same, on its appearing to them that such permission hath been abused, and ought to be withdrawn, and until notice in writing that the same is superseded hath been served on the person, in whose favor the certificate was granted, or left at his or her dwelling house, & a copy of such notice affixed up in the clerks office for the said city. *Provided*

Soap and candle factories permitted in certain limits.

*nevertheless* that no tallow shall be rendered within the limits prescribed by the act above mentioned from the fifteenth day of May to the first day of November in each year.

Certain  
streets  
defined.

*And be it further enacted* That the street called in the said act Grant street, was intended and shall be construed to mean Grand street, and that the street therein called Mulberry street, was intended and shall be construed to mean Mulberry street, as the same streets are delineated on a map of the city of New York, lately published by David Longworth in the said city.

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## CHAP. 58.

### AN ACT for the relief of the executors of Martha Mortier.

PASSED the 28th of March, 1797.

Appropriation to the executors of Martha Mortier.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That it shall be lawful for the treasurer of this State, and he is hereby directed, upon due proof being made to him of the execution of a certain bond, dated the first day of June, one thousand, seven hundred and seventy three, conditioned for the payment of eight hundred and fifty pounds, said to be given to Martha Mortier, late of the precinct of Rhynbeck in the county of Dutchess, deceased, by William Bayard, formerly of the city of New York, whose estate has become forfeited to the people of this State, to pay to the executors of the said Martha Mortier such sum, as he the said treasurer shall find to be due on the said bond, computing interest thereon to the first day of January one thousand seven hundred and ninety, only, (it being the period at which the said bond was delivered to the executors of the said Martha) upon the said executors making oath before the said treasurer, that they have not, nor hath any person on their behalf, received or secured, nor do they expect to receive or secure any part of the said debt in any manner or way whatsoever, the provision made by this act only excepted; *and further* upon the said executors producing and depositing with the treasurer the said original bond, and giving security to the people of this State, and delivering the same to the treasurer, to refund the said money or such part thereof, as may be necessary to discharge any incumbrance which may hereafter appear on the estate of the said William Bayard by a claim of dower by his wife, or otherwise. *Provided* That the monies arising from the sales of the estate of the said William Bayard and now remaining in the treasury amount to the sum so found to be due on the said bond.

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## CHAP. 59.

### AN ACT to incorporate the Cayuga Bridge Company.

PASSED the 28th of March, 1797.

Preamble.

WHEREAS Charles Williamson, Thomas Morris John Harris, Wilhelmus Mynderse and Joseph Annin, are desirous of being incorporated, together with such persons, as may hereafter become their associates, for the purpose of building a bridge across the Cayuga lake in this State. Therefore

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That there shall be established a company of stockholders for the purpose of building a bridge over the Cayuga lake or the outlet thereof, within this State, and to be called and known by the name of "The Cayuga Bridge Company," and so to remain for the term of twenty five years, and by that name, they and their successors for and during the said term of twenty five years, shall and may have succession, and shall be persons in law capable of suing and being sued, pleading, and of being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes, whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure, and also that they and their successors, by the name of "The Cayuga Bridge Company" shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the public use of the said corporation, *provided* that the whole of the stock and real estate of the said corporation, shall never exceed in value twenty five thousand dollars, *and provided further* that such real estate shall never exceed two hundred & fifty acres of land, on each side of the said lake, adjoining the said bridge.

Cayuga  
Bridge  
Company  
Incor-  
porated.

*And be it further enacted,* That the stock, property, affairs, and concerns of the said corporation, and the manner of obtaining subscriptions thereto, shall be managed, directed and conducted by five directors, who shall be stockholders and shall together with a treasurer be annually chosen and elected on the first Wednesday in May in every year, at such time of the day, and at such place, as the directors for the time being, shall forty days at least prior to the day of election appoint by notice thereof in two of the public newspapers of this State that all elections for the treasurer and directors shall be by ballot, and such person who at any such election shall have the greatest number of votes, given at such election, as treasurer, shall be the treasurer, and in like manner such five persons who shall have the greatest number of votes at such election, shall be the directors, and shall hold their offices for one year and until others shall be chosen in their place; that if any vacancies shall happen among the directors, by death, resignation or otherwise, such vacancies shall be filled up for the remainder of the year in which they may happen, by the appointment of the remainder of the directors for the time being or a majority of them, that the first directors shall be Thomas Morris, John Harris, Charles Williamson, Wilhelmus Mynderse and Joseph Annin, and the first treasurer Jacob Hallett, who shall hold their offices until the first Wednesday in May next and until others shall be chosen in their place.

Directors,  
duties of;  
how  
chosen;  
first board.

*And be it further enacted,* That the number of shares or subscriptions constituting the stock or funds of the said corporation shall not exceed five hundred shares, and that the amount to be paid for each share or subscription shall be fifty dollars and that each stockholder be entitled to a number of votes, proportioned to the number of shares which he or she shall have or hold in his or her name according to the following ratio, that is to say, every owner of one or more shares. to the number of four, shall have one vote, of five shares and less than ten three votes, of ten shares and less than twenty, five votes, of twenty shares, eight votes; and one vote for every five shares above twenty.

Stock of  
company;  
voting.

Annual  
statements;  
powers of  
directors.

*And be it further enacted,* That the directors for the time being or a major part of them shall have the disposition of the funds of the said corporation, to and for the uses and purposes aforesaid, and shall annually on the first Wednesday in May lay before the stockholders of the said corporation, a general statement of their accounts and proceedings, which same statement of accounts and proceedings, it shall be the duty of the directors to lodge with the treasurer, at least ten days previous to such annual meetings, for the inspection and examination of the stockholders, and the directors for the time being, or the major part of them, shall have power to make and prescribe such bye-laws, rules, and regulations, as to them shall appear needful and proper touching the management and disposition of the stock, property, estate and effects of the said corporation, and touching the duties and conduct of their secretary, clerks, agents, and servants employed therein, and touching all such matters as appertain to the said corporation, with power to appoint such and so many workmen, clerks and servants for the erecting and building of the said bridge, and relating to the same, and with such allowances and salaries as to them shall seem meet. *Provided,* that such bye-laws, rules and regulations be not repugnant to the constitution and laws of the United States and of this State.

Bridge to  
be built in  
three  
years.

*And be it further enacted,* That in case the said bridge shall not be erected, built and compleated within three years from and after the passing of this act, the said corporation hereby created, shall be adjudged and considered as dissolved.

Rates of  
toll.

*And be it further enacted,* That it shall and may be lawful for the said corporation to demand, receive and take for the use of the said bridge, a toll not exceeding the following rates. Every four wheel pleasure carriage and horses one dollar, every two wheel pleasure carriage and horses seventy five cents, every waggon and horses seventy five cents, every sleigh and horses fifty cents, every ox, cart and oxen seventy five cents, every one horse cart and horse fifty cents, every single passenger twelve and an half cents, every man and horse twenty five cents, every horse, jack or mule twelve and an half cents, every ox, cow or other neat cattle six cents, every sheep or hog two cents.

Bridge to  
vest in  
State after  
twenty-five  
years.

*And be it further enacted,* That from and after the expiration of the said term of twenty five years, the said bridge with its appurtenances together with the road or highway leading thro the lands of the said corporation, on each side of the said bridge shall become the property of the people of this State and in them from such time the same shall be deemed to be vested.

Act de-  
clared a  
public act.

*And be it further enacted,* That this act be and is hereby declared to be a public act, and shall be construed benignly and favorably for every beneficial purpose herein intended.

## CHAP. 60.

AN ACT for opening and improving certain great roads within this State.

PASSED the 28th of March, 1797.

**Preamble.** WHEREAS it is highly necessary, that direct communications be opened and improved between the western, northern and southern parts of this State. Therefore

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That for the purpose of opening and improving the said communications, the managers herein after named shall cause to be raised by three successive lotteries of equal value, the sum of forty five thousand dollars. That out of the neat proceeds of the first lottery the sum of eleven thousand seven hundred dollars, and out of the neat proceeds of the third lottery, the further sum of two thousand two hundred dollars shall be and hereby is appropriated for opening and improving the road commonly called the Great Genesee road, in all its extent from Old Fort Schuyler in the county of Herkimer to Geneva in the county of Ontario, except in that part thereof which deviates from the place where the intended bridge over the Cayuga lake is to be erected, instead whereof a road shall be opened from the said place to intercept the said Great Genesee road on the east and west sides of the said lake at such points and in such direction as the commissioner or commissioners to whose superintendence the opening and improving the said great road shall be committed, shall in his or their discretion deem most beneficial to the community at large.

Lotteries for State roads; how monies applied; Great Genesee road.

*And be it further enacted,* That out of the neat proceeds of the second lottery the sum of eleven thousand six hundred and seventy five dollars, shall be and hereby is appropriated for improving the great road leading from the city of Albany to the bridge erected over the Mohawk river below the Cahoes falls, thence to Waterford in the county of Saratoga, thence to the ferry commonly called Mc Neils ferry, thence on either side of Hudson's river to the ferry near Fort Edward as the commissioner or commissioners to whom the improvements of the roads designated in this section shall be committed, shall in his or their discretion deem most beneficial to the community at large, and from the ferry last mentioned to Sandy Hill in the county of Washington, thence to Fort Ann, thence to that part of the lake Champlain where Wood creek enters the said lake. And also to improve the road leading from the ferry at Troy to Lansingburgh, and thence by such road thro' the counties of Rensselaer and Washington, as to intersect the road above mentioned leading to lake Champlain, as the commissioner or commissioners to whom the roads designated in this section shall be committed, shall in his or their discretion deem most beneficial to the community at large.

Roads leading north from Albany and Troy.

*And be it further enacted,* That the sum of three thousand dollars part of the neat proceeds of the said second lottery, shall be and hereby is appropriated for opening and improving a road from Cooperstown in the county of Otsego, or from the town of Cherry Valley as the commissioner or commissioners in his or their discretion shall deem most beneficial to the community at large, and from either to intersect the Great Genesee road as near as conveniently may be to the outlet of the Skeneateles lake, or either of the said towns, as near as conveniently may be to the south end of the Owasca lake as the commissioner or commissioners to whom the opening and improving the road intended by this section shall be committed, shall in his or their discretion deem most beneficial to the community at large.

Road from Otsego county west to the Great Genesee road.

*And be it further enacted* That out of the neat proceeds of the said third lottery the further sum of six thousand five hundred and ten dollars shall be and hereby is appropriated for improving the great road leading from Gats Kill landing in the county of Albany to Cath-  
erines town in the county of Tioga, and which improvements shall commence at or near the house of Stephen Platt in the town of Free-

Catskill to Cath-  
erines town,  
Owego to  
Cayuga  
lake.



hold. That out of the neat proceeds of the said third lottery, the further sum of one thousand dollars shall be and hereby is appropriated for improving the road from Owego to the south end of the Cayuga lake.

Payments  
for other  
improve-  
ments.

*And be it further enacted,* That out of the neat proceeds of the said first lottery the managers thereof shall pay to the superintendants of highways for the county of Herkimer the sum of five hundred dollars to be by them laid out in improving the road from Fort Stanwix to the bridge erected over the Fish creek, and from thence thro' George Scriba's land, and thro' the township number twelve in Boilston's purchase. That out of the neat proceeds of the said third lottery, the managers thereof shall pay unto Wessel Salisbury John Schuneman and Ashley Gilbert of the towns of Coxhake and Cats Kill in the county of Albany or to their order or the order of any two of them, the sum of four hundred and ninety dollars, to reimburse them for that sum by them expended in erecting a bridge over Cats Kill near the house of the said Ashley Gilbert. That out of the neat proceeds of the said second lottery the managers thereof shall pay unto Walter Raleigh and Martin Van Buskirk of the town of Cambridge in the county of Washington the sum of three hundred and twenty five dollars to reimburse them for that sum by them expended in erecting a bridge over Hosack river near the house of the said Martin Van Buskirk. That out of the neat proceeds of the said first lottery the managers thereof shall pay unto John Post, Nathan Smith and Isaac Brayton, of the county of Herkimer, or the order of any two of them, the sum of four hundred dollars to reimburse them for that sum by them expended in erecting a bridge over the Mohawk river at Old Fort Schuyler. That out of the neat proceeds of the said first lottery the managers thereof shall pay unto Michael Myer, Gaylord Griswold, John Frank and Michael Ectigh of the county of Herkimer or to the order of any two of them, the sum of four hundred dollars to reimburse them for that sum by them expended in erecting a bridge over the Mohawk river at the German Flatts.

Bridge  
over Scho-  
harie  
creek at  
Fort  
Hunter.

That out of the neat proceeds of the said first lottery the managers thereof shall pay unto Nicholas Quackenboss John T. Vischer Victor C. Putnam, William Wimple and Jacob Enders or to the order of any three of them, the sum of two thousand dollars, therewith to compleat the bridge already began to be erected over Schoharie creek near Fort Hunter.

Damages  
incurred  
by the lay-  
ing out of  
certain  
roads in  
Westches-  
ter county.

That the justices of the supreme court or any two of them shall and are hereby authorized to appoint three discreet persons none of whom shall be resident in the county of Westchester to ascertain the damages, if any, which may have been sustained by the owners or occupants of the land residing eastward of the easterly bounds of Morissania by means of the road laid out to connect with the road leading from Eastchester to Kingsbridge, with the road leading thro' such lands to the bridge lately erected over the Haarlem river by John B. Coles, and the persons so to be appointed after having attentively viewed the premises, and ascertained the damages, if any there be, shall make duplicate certificates and subscribe the same, in each of which shall be specified the name of every person, if any, who have sustained damages on the lands aforesaid by the laying out of such road, and the amount of the damages sustained by each, and shall also annex to such certificates an account of the number of days they have severally been employed in ascertaining such damages, and shall then deliver such certificates to either of the superintendants of the high-

ways in the county of Westchester, to whom the managers of the third lottery, out of the neat proceeds thereof, shall pay the aggregate amount of such damages, if any there be, and also four dollars per day for each day which each of the persons so ascertaining shall have been employed in the service aforesaid, to be by such superintendent paid over to the persons entitled thereto in conformity to this section.

And that one moiety of the residue of the proceeds of the said third lottery and the residue of the proceeds of the first and second lotteries if any there be beyond the appropriations by this act made, after all charges shall be satisfied, shall by the said managers be paid to the superintendants of highways for the county of Westchester to be by them laid out in improvements on the post road leading from Croton ferry, to the county of Dutchess. And the other moiety of such residue to the superintendants of the highways in the county of Orange, to be by them laid out in improvements on the highway leading from John Suffrens in the town of Hempstead to the village of Oxford in the town of Cornwell, in the said county of Orange.

Other roads.

*And be it further enacted* That John Tayler, Leonard Gansevoort and Daniel Hale or the survivors or survivor of them, be and they are hereby appointed managers for drawing, managing and superintending the said lotteries, which shall be drawn in the city of Albany.

Managers of the lotteries.

*And be it further enacted*, That each of the managers of the said lotteries shall before they enter upon the execution of the duties of their office enter into a bond to the people of this State with such sureties as the comptroller of this State for the time being shall approve of in the sum of five thousand dollars, conditioned for the faithful and honest discharge of the duties required of them by this act, and for rendering a just account of all their proceedings at the next session of the legislature after the drawing of each of said lotteries.

Bonds of managers.

*And be it further enacted*, That the managers aforesaid shall from time to time and as often as they shall receive the sum of five thousand dollars for the sale of tickets deposit the same in the bank of the city of Albany for safe keeping, and that as soon as either lottery shall be drawn the managers after deducting therefrom their reasonable expences for drawing and conducting the same, to be audited and allowed by the comptroller of this State, shall pay the avails as directed by this act to the commissioners or other persons authorized to receive the same.

Deposit of moneys.

*And be it further enacted* That the managers aforesaid or a majority of them shall have full power to adopt such schemes, or to manage the said lotteries in such manner, as to them or a major part of them may be thought proper, and may sell or cause to be sold the tickets in any part of this State.

Manner of conducting lotteries.

*And be it further enacted*, That it shall be lawful for the person administering the government of this State to nominate, and by and with the advice and consent of the council of appointment, to appoint one or more not exceeding three, commissioners for the road designated in the first section and one or more not exceeding three for the roads designated in the second section, and also other or others for the roads designated in the third and fourth sections of this act, who shall be entrusted with the sole power of expending on the roads under his or their direction, the whole of the money appropriated by this act for opening and improving the same, according to the directions of this act; and to employ as many fit persons under him or them for the purposes aforesaid, as he or they shall deem necessary; and the said commissioner or commissioners shall open and repair in

Commissioner of roads to be appointed.

the first instance, such parts of the roads under his or their direction as he or they may find either impassable for waggons, or most in want of repair.

Oath of  
commissioners.

*And be it further enacted,* That each of the said commissioners, before he enters on the execution of his trust shall enter into a bond to the people of this State with such sureties as the comptroller of this State for the time being shall approve of in a sum equal to the whole sum appropriated to the road or roads to be by him and his colleagues if any he shall have opened and improved, conditioned for the faithful application of the monies to be raised as aforesaid, and which shall be entrusted to him or them according to the directions of this act; which bond when executed, shall be deposited in the office of the comptroller of this State; and in case the said bonds or any of them shall become forfeited, the monies to be recovered thereon, shall be applied to the use of the road the improvement whereof the defaulting commissioner or commissioners superintended.

Reports of  
commissioners.

*And be it further enacted* That it shall be the duty of the commissioner or commissioners or other persons as the case may be who shall be appointed for the roads and bridges in the manner by this act directed at the end of every year until they shall have completed the business confided to them by this act to make out a full and accurate statement of all the improvements which have been made to the roads and bridges under his or their superintendence, and an account of all the expenditures accrued thereon, which statement and account together with the vouchers in support of his or their payments shall be delivered to the comptroller of this State, who shall present such statement and account to the legislature at the then next meeting thereof, with such observations thereon as he may deem requisite to communicate.

Vacancies.

*And be it further enacted,* That in case of the death, refusal to act or resignation of any person or persons who shall be appointed in manner aforesaid to be a commissioner or commissioners, it shall and may be lawful for the person administering the government of this State for the time being, to supply every such vacancy by the appointment of such person to fill the same as he in his discretion shall deem meet and proper, and the commissioner or commissioners so appointed shall have the same powers and be subject to the same duties as tho' he or they had been appointed in conformity to the sixth section of this act until ten days after the first meeting of the council of appointment, after such appointment.

Majority  
may act.

*And be it further enacted* That in every case where more than two commissioners are appointed to superintend the improvements in the several roads designated in the tenth section of this act, the majority of them shall be deemed a quorum who may transact all business incident to the trust reposed in them by this act.

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## CHAP. 61.

AN ACT relative to the church & glebe in Johnstown.

PASSED the 28th of March, 1797.

Church  
and lands  
in John-  
stown

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That all the estate, right, title interest, claim and demand of the people of this State in and to the stone church in

the town and village of Johnstown in the county of Montgomery and one acre of land lying and being in the said town, which acre of land is bounded as follows, vizt, northerly by a lot of ground owned by the late George B. Troop, & a lot owned by George Metcalfe, westerly by the main street, southerly by a lot owned by John Grant junior and a lot owned by Caleb Grinnel, and easterly by a street adjoining the east bounds of the said Caleb Grinnels lot and the lot aforesaid of the late George B. Troop, and also in and to all that certain tract of land containing about forty acres, heretofore set apart by the late Sir William Johnson for a glebe to the church aforesaid which church and glebe became forfeited to the people of this State by the attainder of Sir John Johnston; shall be and hereby are granted to and vested in the trustees of the Presbyterian congregation in the town and village of Johnstown in the county of Montgomery, and to and in the rector, churchwardens, vestry men & members of the Protestant Episcopal church of St. John in Johnstown in the manner following vizt, the said glebe of forty acres shall be wholly vested in the trustees of the Presbyterian congregation in the town and village of Johnstown, in the county of Montgomery; and the church with the acre of land whereon the said church stands, shall be wholly vested in the rector, churchwardens and vestry of St. Johns church in the town of Johnstown in the county of Montgomery, and their successors forever for the use of said congregations respectively; reserving nevertheless to the Lutherans in the said town the use of said church for four Sundays in each and every year hereafter, that is to say, the first Sunday after Easter Sunday, the first after Whitsunday, the last in October, and the last in December, if required by any number of the last mentioned religious persuasion not less than ten; and also reserving to the Presbyterian congregation of Johnstown the alternate use of the said church together with the congregation of the said Episcopal church, for and during the term of three years; *provided nevertheless*, that nothing in this act contained shall in anywise be construed, as a warranty on the part of the people of this State for the lands hereby granted.—

vested in churches named.

*And be it further enacted*, That the act entitled "An act relative to the church in Johnstown passed the 27th day of February 1793 shall be and hereby is repealed.

Act repealed repealed.

## CHAP. 62.

AN ACT for electing representatives for this State in the house of representatives of the Congress of the United States of America

PASSED the 28th of March, 1797.

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That for the purpose of electing representatives in this State for the house of representatives of the congress of the United States of America, this State shall and hereby is divided into ten election districts as follows that is to say; the counties of Suffolk, Queens, Kings, and Richmond shall be one district; and shall be called and known by the name of the first district. And the city and county of New York except the seventh ward shall be one district; and shall be called and known by the name of the second district. And the county of Westchester and the seventh ward of the

Congressional districts.

city of New York, and the towns of Orange Town, Clarkes Town, Hempstead and Haverstraw in the county of Orange shall be one district and shall be called and known by the name of the third district.

**Eligibility.** And the counties of Ulster and Delaware and the residue of the county of Orange shall be one district; and shall be called and known by the name of the fourth district. And the county of Dutchess shall be one district, and shall be called and known by the name of the fifth district. And the counties of Columbia and Rensselaer shall be one district, and shall be called and known by the name of the sixth district. And the counties of Washington, and Saratoga and Clinton shall be one district, and shall be called and known by the name of the seventh district. And the city and county of Albany and the county of Schoharie shall be one district and shall be called and known by the name of the eighth district. And the counties of Montgomery and Herkimer shall be one district, and shall be called and known by the name of the ninth district. And the counties of Otsego, Tioga, Ontario, Onondaga and Steuben shall be one district, and shall be called and known by the name of the tenth district. And that at every election for representatives of the people of this State in the house of representatives of the congress of the United States of America, a person who shall have attained the age of twenty five years, and who shall have been seven years a citizen of the United States, and who shall then be an inhabitant of this State, shall be chosen in each of the said districts for one of the said representatives by the inhabitants of such district, that is to say, by such persons, inhabitants of such district as are or shall be qualified to vote for members of the Assembly of this State, each of whom shall be entitled to vote for one person as such representative, and the person who shall have the greatest number of votes in any district, shall be the representative chosen in such district; and all such elections shall be held and conducted by such persons and in the same manner as the elections for members of the assembly of this State are by law to be held and conducted, and upon closing the poll at every such election the poll books or lists shall after due examination and correction thereof, be signed by the inspectors then attending, and the clerks who shall have kept the same respectively; and the box containing the ballots shall then be opened, and the ballots contained therein, be taken out, and without being opened or inspected, shall together with both poll books or lists be immediately put up under cover and inclosed and sealed in such manner as to prevent its being opened without discovery, and the inspectors present at closing the poll shall put their seals and write their names upon the same enclosure, and one of the said inspectors then present to be appointed for that purpose by a majority of the inspectors present at closing of the poll, shall without delay, and within five days thereafter, deliver the same enclosure so sealed up as aforesaid, to the sheriff of the county, who shall upon receiving the said enclosures without opening or inspecting the same or any of them, put the said enclosures into a box which shall be well closed and sealed up by him, and he shall write his name, and the name of his county on the said box, and shall within eighteen days thereafter, either in person or by his deputy deliver the said box without opening the same or the enclosures therein contained, into the office of the secretary of this State where the same shall be safely kept by the secretary of this State or his deputy unbroken and unopened until the meeting of the committee or persons herein aftermentioned and appointed to canvass and estimate the ballots therein contained,

**How election conducted.**

**Delivery of ballots to sheriff; to secretary of State.**

when all the said boxes shall be delivered unbroken and unopened to them; and for which service the sheriffs of the respective counties shall be allowed at and after the rate of twenty five cents per mile for going to the secretary's office, to be computed from the sheriff's place of abode in each county to the secretary's office, and to be paid not out of the exchequer of this State, but on the certificate of the secretary out of any monies then in the treasury not otherwise appropriated.

*And be it further enacted* That if the box containing the ballots taken in any county, shall not be delivered to the secretary or his deputy, by the sheriff of the county in person, then the person who shall deliver the said box to the secretary or to his deputy if he received it from the sheriff, shall on delivery thereof, make oath, to be administered by either of them, that he received the said box from the sheriff of the county, and that the same has not been opened, nor any of the packages therein contained altered since he so received the same: But in case the person charged with the box by the sheriff shall by sickness, or any other unavoidable accident be prevented from delivering the same box at the secretary's office, then and in every such case, it shall be lawful for any other proper person to carry the said box to the said secretary's office, and to make an affidavit before the secretary or his deputy, stating the circumstances and how he came possessed of the box, particularly, and that the same box has not been opened, nor any of the packages therein contained altered, since he received the same. And the secretary or his deputy, shall deliver the same box and affidavit to the persons who may attend to canvass the ballots, who shall receive and examine the same, and if there shall be no appearance of the said box having been opened, they shall open the same and examine the packages therein contained, and if they appear not to have been opened or altered, then they shall open the said packages and canvass and estimate the ballots therein contained.

Oath to be taken by person delivering box to secretary of State.

*And be it further enacted* That the first general election in this State for such representatives as aforesaid shall begin and be held on the last Tuesday in April one thousand seven hundred and ninety eight, and every subsequent general election for such representatives in this State shall be held on the last Tuesday in April in every second year thereafter at such place or places in each city, town and ward within this State as the elections for members of the assembly of this State are by law to be held and conducted, and from which days the same may be respectively continued by adjournment, if necessary, from day to day, not exceeding five days, until the same shall respectively be completed.

When elections held.

*And be it further enacted* That in case of any vacancy or vacancies by death or otherwise in the said office of representative, between any of the said general elections, the person administering the government of this State may at his discretion by proclamation give notice thereof, and shall in such proclamation signify in which of the said districts, the person or persons is or are to be elected to fill such vacancy or vacancies, and shall also appoint a day, not less than forty nor more than sixty days from the day of the publication of such proclamation, for holding an election in such district or districts, to fill such vacancy or vacancies, and cause a copy of such proclamation to be delivered to each sheriff in such district or districts; and the respective sheriffs shall thereupon give notice in writing of such election to the supervisor or one of the inspectors of elections of each of the several towns and wards of such district or districts in their respective

Vacancies, how filled.

bailiwicks, within eight days after receiving such proclamation, and each of the said supervisors and inspectors shall immediately after receiving such notification, give notice thereof to the town clerk and assessors, or other inspectors of elections of the same town or ward, and the several and respective supervisors, town clerks and assessors of each town, or the major part of them, and the inspectors of elections for each ward or major part of them, shall without delay convene together and by writing under their hands, to be affixed up in at least five of the most public places in such town or ward, give eight days notice of the time and place or places of holding such election in the same town or ward, and such election shall be held and conducted by the same persons and in the same manner as the general election for representatives are herein before directed to be held and conducted, and the poll books or lists and ballots taken at such election shall be disposed of in the same manner as the poll books or lists and ballots taken at the general election for representatives; and the person administering the government of this State, shall immediately upon issuing his proclamation as aforesaid, by special messengers at the expence of the State, cause notice to be given in writing to each member of the said canvassing committee, and require his attendance at the office of the secretary of this State at a certain day, not less than twenty eight days nor more than thirty five days after the day appointed in the said proclamation for holding such election, to canvass and estimate the votes taken as aforesaid, and such canvass and estimate shall be made in the same manner, and such certificate given as is and are herein before directed upon a general election of representatives.

Committee  
to canvass  
votes.

*And be it further enacted,* That the committee annually to be appointed by virtue of the act entitled "An act for regulating elections," or the major part of them, shall and hereby are authorized and required, to canvass and estimate the votes to be taken at any election for such representatives, and shall as soon as they have completed the canvass of the ballots directed to be canvassed in conformity to the act aforesaid, proceed to open the said boxes, one after the other, and the enclosures therein contained respectively, and canvass and estimate the votes therein contained, returned into the office of the secretary of this State as aforesaid, and as soon as they shall be able to determine upon such canvass and estimate, who by the greatest number of votes, shall have been chosen a member of the house of representatives of the congress of the United States of America, in each of the said districts respectively, and shall determine the same; and thereupon without delay, make and subscribe with their own names and hands writing, a certificate of such determination, in a book to be kept for that purpose, in the said secretary's office, there to remain of record, and deliver or cause to be delivered, a true copy thereof so subscribed as aforesaid, to each of the persons so elected respectively, and another copy so subscribed as aforesaid to the house of representatives of the congress of the United States of America at their first meeting after the third day of March then next.

Senators to  
act in case  
of absence  
of commit-  
tee.

*And be it further enacted* That in case no such committee shall be appointed, or if such committee should not meet as aforesaid to canvass and estimate the votes taken at a general election, or at any election to fill such vacancy or vacancies, then it shall be the duty of the secretary of this State, to give notice thereof to such senators as shall have been returned at the then last election from the middle and eastern districts of this State, and require their attendance at the said office at a certain day not less than twenty days, nor more than thirty

days after the date of such notice, to canvass and estimate the votes taken at such election, & such senators or the major part of them, shall be and hereby are in such cases authorized and required to canvass and estimate the votes taken at such election, and to do, execute and perform all and every thing and things in and about the premises in the same manner as such joint committee might or ought to have done.

*And be it further enacted* That when a majority of the said joint committee, or a majority of the survivors of them, or a majority of the said senators, shall meet as aforesaid, for the purpose of canvassing and estimating the votes taken at any such election, such majority shall be and hereby are authorized, empowered and required, to proceed to such canvass & estimate; and all questions which shall arise upon such canvass and estimate, or upon any of the proceedings therein, shall be determined according to the opinion of the major part of the persons so met conformably to this act. Majority may act.

*And be it further enacted* That the said joint committee, and the said senators, or such of them as shall at any time attend to make such canvass and estimate, shall before they proceed to open any of the boxes delivered as aforesaid, severally take and subscribe before the secretary of this State or his sworn deputy or a master in chancery, the following oath to wit. "I        one of the joint committee appointed by the senate or assembly (as the case may be) pursuant to the act entitled "An act for regulating elections;" or "I        a member of the senate of the State of New York, do solemnly and sincerely swear and declare, that I will honestly and impartially and to the best of my knowledge and abilities execute and perform the trust reposed in me by the act entitled "An act for electing representatives for this State in the house of representatives of the Congress of the United States of America." And if I shall discover any of the other persons appointed canvassers with me (or who shall attend with me) for the purpose aforesaid, conducting himself or themselves, partially, unduly or corruptly in the premises, that I will discover the same, to the end, that the person so offending may be brought to justice." Which oath shall be entered of record, by the secretary or his deputy in the same book, in which the certificate of the determination upon such canvass and estimate, is to be entered as aforesaid. Oath of canvassers.

*And be it further enacted,* That if the number of ballots in any enclosure shall exceed the number of electors mentioned on the poll lists contained in the same enclosure, then the said committee shall draw out unopened so many of the said ballots, as shall amount to the excess and shall proceed to canvass & estimate the residue. And if two or more ballots or tickets shall be found folded or rolled up together, none of the ballots so folded up together shall be estimated, and such excess shall be sealed up by the canvassers in a paper to be marked Surplus Ballots and where two or more ballots are so folded or rolled up together, the same shall also be sealed up in a separate paper, and a proper indorsement made thereon to designate the contents, and both papers shall with the other ballots be returned to their proper boxes, and committed to the custody of the secretary. Surplus ballots.

*And be it further enacted,* That if any person shall be guilty of bribery or corrupt conduct at any such election, or in any of the duties required of him by this act, or shall neglect or refuse to perform any of the duties required of him by this act, every such person so offending, shall be liable to the same pains and penalties as are imposed for the like offences in and by the act entitled "An act for regulating Bribery and corrupt conduct.



elections" and to be recovered and applied in the manner therein directed.

Militia not  
to be called  
out.

*And be it further enacted*, That no officer or other person shall call or order any of the militia of this State to appear or exercise on any day or at any time during such election, or at any time within ten days before the ordinary and established days of holding such elections (except in cases of invasion or insurrection) on pain of forfeiting the sum of five hundred dollars for every such offence, to be recovered by any person who will sue for the same, with costs, the one moiety of such penalty to his own use and the other moiety thereof to the use of the people of this State.

Civil pro-  
cess not to  
be served.

*And be it further enacted*, That it shall not be lawful for any officer or minister of justice to serve any civil process in any city or town in this State, on any person entitled to vote at any such election, between the day preceding such election and the day subsequent to the closing of the poll at such election in such city or town.

*Whereas* doubts have arisen relative to the true construction of the fifth section of the act entitled "An act for regulating elections," for the removal whereof

Construc-  
tion of act  
explained.

*"Be it further enacted* That no person shall hereafter vote at any election for governor, lieutenant governor, senators, members of assembly or representatives to represent this State in the house of representatives of the Congress of the United States of America, except in the town or ward in which he shall actually reside, anything, matter or clause in the act for regulating elections to the contrary notwithstanding.

## CHAP. 63.

AN ACT for the relief of John B. Coles, and to provide for the laying out of new roads.

PASSED the 30th of March, 1797.

Preamble.

WHEREAS John B. Coles hath erected a bridge across Harlem river in pursuance of an act entitled "An act for building a bridge across Harlem river" and another act entitled "An act to enable John B. Coles to raise a dam across Haerlem river and to amend an act entitled an act for building a bridge across Harlem river." *And whereas* it is represented to the legislature that altho' the commissioners named for that purpose in the first above mentioned act have laid out a road from the said bridge to East Chester, yet the damages to the persons through whose land it is laid are not paid, and some part of the said road is not opened, and that the said John B. Coles has already expended a considerable sum of money in making clearing and amending the said road, and that it will require further large sums for that purpose besides what can be done in the ordinary mode of making and repairing highways in this State. *And whereas* the said John B. Coles hath prayed relief in the premises. Therefore

Road des-  
cribed de-  
clared a  
public  
highway;  
toll on  
Harlem  
bridge.

*Be it enacted by the People of the State of New York represented in Senate and Assembly*, That the said road so laid out shall be and hereby is established as a public highway from and after the passing of this act, and shall and may be immediately opened as a public highway, altho' the damages to the persons or any or either of them,

through whose land the same is laid out may not be paid. And it shall and may be lawful for the said John B. Coles and his assigns at his and their expence to cause the said road to be cleared, and properly made for the convenience of travellers and all others having occasion to use the same road, and as soon as the same road shall be made and cleared as aforesaid then and from thenceforth, it shall and may be lawful for the said John B. Coles and his assigns, for and during the term of thirty years, to demand and take an additional toll for passing the said bridge, not exceeding fifty per cent above what is allowed by the acts aforesaid, or either of them, and that the said John B. Coles shall at his own expence keep the said road in repair during the term he shall exact any additional toll for passing the said bridge.

*And be it further enacted*, That the commissioners of highways to be chosen in the respective towns in the several counties of this State in conformity to the third section of the act entitled "An act to regulate highways," shall in addition to the powers vested in them by the said act, have full power and lawful authority to lay out such new roads in the several towns as they may deem necessary and proper; subject nevertheless to an appeal to the superintendants of the county, in the same manner and under the restrictions prescribed in the act aforesaid.

Laying out  
of new  
roads.

## CHAP. 64.

### AN ACT to regulate ferries within this State.

PASSED the 30th of March, 1797.

*Be it enacted by the People of the State of New York represented in Senate and Assembly*, That from and after the first day of November next, no person or persons, except within the southern district of this State, the county of Orange and the county of Clinton, shall or may use any ferry or ferries for transporting across any river, stream or lake within this State, any person or persons, or any goods or merchandise for profit or hire, unless in the manner herein after directed, under penalty of forfeiting for each offence the sum of five dollars, to be recovered by action of debt, before any justice of the peace of the county where such offence shall be committed or if the same be on waters that divide two counties, then in either of the counties next adjacent the place, where the said offence shall be committed, which said penalties shall be one half to be paid to the overseers of the poor in the town wherein the forfeiture is recovered, to be applied to the use of the poor thereof, and the other half to the person who shall sue for and recover the same.

Unlicensed  
ferries,  
penalties  
for main-  
taining.

*And be it further enacted* That the court of common pleas in each of the counties of this State in their sessions, may and shall grant licences for keeping ferries in their respective counties to as many suitable persons as they may think proper, which licence shall continue for one year and no longer. And every person who shall apply for such licence,\* shall before the same is granted, enter into a recognizance to the people of this State, in the sum of one hundred dollars, faithfully to keep and attend such ferry, for the keeping of which the

Licences  
for ferries.

\* So in the original.

said person shall apply, with a sufficient and safe boat or with such and so many sufficient and safe boats, and so many men to work the same as shall be deemed necessary together with sufficient impliments for said ferry during the several hours in each day, and at the several rates, as the court of common pleas in the several counties shall from time to time, order, direct and determine; which recognizance shall forthwith be lodged on file with the clerk of the said county and every ferryman who shall offend herein may be indicted for the same before any court of record in this State proper to hear the same, and shall be subject to such fine or penalty as such court may order and adjudge, *provided* the same shall not exceed the sum of twenty five dollars for each offence; and on proof of such conviction the court of general sessions shall direct the recognizance given by such person to be estreated for the use of the people of this State; and when any waters over which a ferry may be erected or used, divides two counties, the licence obtained in form aforesaid, in either of the said counties shall be sufficient to enable the person obtaining the same, to transport persons, goods, wares and merchandize to and from either side of said waters. *Provided nevertheless* that nothing in this act contained shall in any wise be understood to affect or alter the ferries granted by charter to the corporations of Albany and Hudson or to infringe upon alter or impair any grants of this State, or any legal right or privilege whatever, belonging to, or of right appertaining to any individual or corporation, any thing in this act to the contrary notwithstanding. *Provided also*, that no such licence shall be granted to any person other than to the owner or occupant of the land thro' which the highway adjoining to any ferry shall run, unless such owner shall neglect to apply for such licence in manner by this act directed.

Fees of  
clerks.

*And be it further enacted*, That the clerks of the respective counties shall be entitled to receive for entering each and every licence by virtue of this act, and for a copy thereof one dollar and no more.

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## CHAP. 65.

AN ACT respecting Union College and for other purposes therein mentioned.

PASSED the 30th of March, 1797.

Punish-  
ment of  
students  
by the  
faculty.

*Be it enacted by the People of the State of New York represented in Senate and Assembly*, That it shall be lawful for the trustees of Union College in the town of Schenectady and State of New York, or the major part of any thirteen or more of the said trustees to make ordinances, rules or orders authorizing the faculty of the said college to inflict on any student thereof the punishment of degradation and suspension, *provided* that the sentence of the faculty shall in every case be submitted to the said trustees at their next meeting after the passing of such sentence for their approbation or rejection.—

Failure of  
quorum to  
attend.

*And be it further enacted* That the said trustees shall have the power to pass ordinances authorizing any number of the said trustees at the days appointed for stated or special meetings, when a sufficient number do not attend for forming a quorum to adjourn from day to day until a quorum shall be obtained.

*And be it further enacted* That the treasurer shall annually for two years unless otherwise directed by the legislature, pay to the said trustees or their order, out of any monies not otherwise appropriated, seven hundred and fifty dollars for paying the salaries of such additional professors in the said college, as the said trustees shall appoint. Appropriation.

*And be it further enacted,* That the treasurer of this State shall annually on the first Tuesday of July in every year hereafter, during the pleasure of the legislature, pay to the trustees of Columbia College the sum of five hundred dollars, to be appropriated by the said trustees to the preservation of the anatomical museum in the said college, and for procuring additional articles thereto, and for making such allowance, as they shall judge proper, to the professor of anatomy in said college for his services in the care and charge of such museum. Id., Columbia College.

## CHAP. 66.

AN ACT to continue in force an act entitled "An act for encreasing the compensation to the measurers of grain, and the inspectors of flour and meal in this State.

PASSED the 30th of March, 1797.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the act entitled "An act for increasing the compensation to the measurers of grain and the inspectors of flour and meal in this State" passed the first day of April 1796, be, and the same is hereby continued in force until the first day of April which will be in the year of our Lord, one thousand, seven hundred and ninety eight, the limitation in the said act to the contrary thereof notwithstanding. Act specified continued in force.

## CHAP. 67.

AN ACT for the establishment and support of a lazaretto.

PASSED the 30th of March, 1797.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That a sum not exceeding the sum of four thousand five hundred dollars, be and the same is hereby appropriated for erecting a lazaretto, and which shall be erected on Nutten or Governors island, and on such place thereon as the person administering the government of this State shall assign; and it shall be lawful for him to cause the same to be erected and such space or quantity of land as he shall deem requisite and convenient as appurtenant thereto to be fenced in and inclosed, under the direction and superintendence of the commissioners of the health office; and it shall accordingly be lawful for him to grant warrants on the treasurer from time to time in favor of the commissioners for such sums, as he shall judge proper for the purposes aforesaid, not in the whole to exceed the said sum of four thousand five hundred dollars. And it shall be further lawful for him in his discretion to direct the said commissioners to cause the Appropriation for erecting a lazaretto on Governor's island.

buildings and materials now belonging to the State on Bedlow's island, to be removed to the place where the said lazaretto is to be erected, or to be sold or otherwise disposed of as he shall judge most expedient.

Expenses,  
how paid.

*And be it further enacted,* That the expences in the said lazaretto of all persons who shall at any time be removed from the city of New York to the said lazaretto, having gained a legal settlement in the said city, and who shall not have sufficient means to pay for their board, medicine and attendance, shall be deemed to be, and shall be borne and paid as part of the contingent charges of the said city.

Part of act  
repealed.

*And be it further enacted* That so much of the fourth section of the act entitled "An act to prevent the bringing in and spreading of infectious diseases in this State," as authorizes the erection of a building suitable to serve for a lazaretto, and the purchase of lands on which to build the same be and the same is hereby repealed.

Health  
officers,  
salaries of.

*And be it further enacted,* That there be paid to Richard Bailey health officer for the city of New York the sum of four hundred and fifty dollars in full for his services during the last year as physician to the temporary lazaretto established on Bedlow's island, and to Doctor Bouvier the sum of four hundred dollars in full for his services as mate to the health officer aforesaid in the said lazaretto during the last year; and that the said sums be paid by the treasurer out of any monies in the treasury not otherwise appropriated.

Fees to be  
paid to  
master and  
wardens of  
the port.

*And be it further enacted,* That the master and wardens of the port of New York or either of them, are hereby authorized and required to demand and receive, (and in case of neglect or refusal, to sue for and recover, in their own names, or in the name of either of them, with costs of suit) of and from the captain or commander of every ship or other vessel, which shall hereafter enter the said port of New York, from any foreign port, the following sums vizt. For each captain or commander one dollar, for each mate fifty cents; for each cabin passenger one dollar; for each steerage passenger fifty cents; and for each sailor on board of such ship or vessel twenty five cents; which several sums shall be demandable of the captain or commander of every such ship or vessel; and on payment whereof, every such captain or commander shall and may lawfully demand and receive of every such person on whose account the same shall have been respectively paid, the monies so by him paid on account of any of the said persons. And which said monies so to be received by the said master and wardens, or either of them, shall be by them respectively paid over to the commissioners of the health office in the city of New York, so much thereof as may be necessary, to be by them applied for the relief of sick seamen and foreigners who may be received into the said lazaretto; and the residue if any there be to be by them paid to the treasurer of the society of the hospital in the city of New York in America, to be applied by the governors thereof to the relief of such seamen and foreigners as may be patients therein.

Account-  
ing by com-  
missioners.

*And be it further enacted* That it shall be the duty of the said commissioners of the health office to account annually under oath to the comptroller, for all such monies received and paid by them; and that the master and wardens of the said port of New York, shall receive as a compensation for collecting and paying the same at the rate of seven per cent.

Oath of  
office of  
master and  
wardens.

*And be it further enacted,* That the master and wardens of the said port of New York, or such of them as may be in office shall on or before the first day of May next, severally take an oath before the mayor of the city of New York for the time being, in the words following,

that is to say, "I will well truly and faithfully according to the best of my skill and understanding, execute and discharge the powers and duties vested in or enjoined on me by law, as master, (or one of the wardens as the case may be) of the port of New York, so help me God," and that all masters and wardens hereafter to be appointed, before they enter upon the execution of their said offices, shall severally take the said oath; and the oath heretofore prescribed for the said master and wardens shall not be administered after the said first day of May.

## CHAP. 68.

### AN ACT to incorporate the stock holders of the Hamilton Manufacturing Society.

PASSED the 30th of March, 1797.

WHEREAS Jeremiah Van Rensselaer and others associated as a company under the style of the Hamilton Manufacturing Society for the laudable purposes of promoting and extending the manufactory of glass, have prayed to be incorporated. Therefore. Preamble.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That all such persons who now are and hereafter shall be stockholders of the said society, shall be and are hereby ordained, constituted and declared to be one body corporate and politic, in fact and in name, by the name of the Hamilton Manufacturing Society, and that by that name, they and their successors for fourteen years hereafter, shall and may have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure. *Provided always* that nothing in this act contained shall be taken or construed to exonerate the members of the said corporation from any debts which may hereafter be incurred by the directors thereof, but that each and every of the members thereof shall in his individual capacity be liable to be prosecuted to judgment for any debt due from the said corporation to any person whomsoever; and to the intent that the members of the said corporation may from time to time and at all times be known Incorporation of the Hamilton Manufacturing Society.

*Be it further enacted,* That the directors for the time being shall once in every year publish the names of the stockholders in the said corporation in one of the news papers printed in the city of Albany and file a copy thereof subscribed by the said directors in the office of the clerk of the city and county of Albany. Names of stockholders to be published.

*And be it further enacted,* That the stock, property, affairs and concerns of the said corporation shall be managed and conducted by five directors who shall be stockholders; and shall together with a factor be annually chosen and elected, on the the third Wednesday in March; and the said directors as soon as may be after their election, shall proceed in like manner to elect by ballot, one of their number to be their president. And if any vacancy or vacancies shall at any time happen among the directors by death, resignation or removal, such vacancy or Directors, election of: first board.

vacancies shall be filled for the remainder of the year in which they may happen by a special election for that purpose to be held in the same manner as is herein before directed, respecting annual elections, at such time and place as the remainder of the directors for the time being or the major part of them shall appoint. And the first directors shall be Jeremiah Van Rensselaer, John Sanders, Abraham Ten Eyck, Barent G. Staats and Thomas Mather who shall immediately after their appointment in the presence of a judge or magistrate subscribe the following oath or affirmation. I do solemnly swear (or affirm) that I will well and faithfully discharge the office of a director of the Hamilton Manufacturing Society, according to the best of my ability and understanding.

Failure to elect not to forfeit charter.

*And be it further enacted* That in case it should at any time happen that an election of directors should not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but that it shall and may be lawful on any other day to hold and make an election of directors in such manner as shall have been regulated by the laws and ordinances of the said corporation.

Capital stock.

*And be it further enacted*, That the stock of the said corporation shall consist of not more than one hundred shares, and each share not exceed one thousand dollars; and to the end that the said corporation may have funds whereon to operate and prosecute such manufactories as aforesaid.

Power of directors.

*Be it further enacted*, That the president and directors of the said corporation shall have power and authority from time to time to fix the several sums of money which shall be paid by the subscribers or holders of every share of the stock of the said corporation in part of the sum of one thousand dollars, being the amount of the share, and the place where the same shall be received, and shall give at least thirty days notice thereof in the news paper printed by the printer of this State for the time being, and in a news paper printed in the city of Albany, and if any stockholder shall refuse or neglect to pay the sum so required for the term of thirty days after the time so appointed for paying the same, every such defaulting stockholder, shall in addition to the sum so called for, pay at and after the rate of seven per cent per month for every months delay of such payment, and if the same with such interest as aforesaid shall not be paid within one year after the same ought to have been paid, then and in such case, the share or shares on which such payment and interest shall be due, shall be forfeited to the use of the stockholders of the said corporation and may and shall be sold to the highest bidder at public vendue.

Meetings of directors.

*And be it further enacted*, That the directors for the time being shall regularly meet on the fourth Wednesday of March, June, September and December in every year, and at such other times as they may judge expedient, and the said directors for the time being or a major part of them shall have the disposition of the funds of the said corporation, and shall annually on the third Wednesday in March lay before the stockholders of the said corporation a general statement of their accounts and proceedings; which same statement of accounts and proceedings, it shall be the duty of the directors to lodge with the factor at least ten days previous to such annual meeting, for the inspection and examination of the stockholders. And the directors for the time being, or the major part of them shall have power to make and prescribe such bye laws, rules and regulations as to them shall ap

pear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation, and touching the duties and conduct of their factor, agents, clerks, artificers and servants employed therein; and touching all such matters as appertain to the said corporation with powers to appoint such and so many officers, clerks and servants, for carrying on the said business, and with such allowances and salaries as shall to them seem meet. *Provided* that such bye laws rules and regulations be not repugnant to the constitution and laws of the United States, or of this State.

*And be it further enacted* That this act be, and is hereby declared to be a public act; and shall be construed benignly and favorably for every beneficial purpose herein intended. A public act.

*And be it further enacted*, That the stockholders entitled to a vote agreeable to this act, may give their respective votes either by themselves or their agents thereunto specially appointed. Voting by proxy.

## CHAP. 69.

### AN ACT for the relief of the Canadian and Nova Scotia refugees

PASSED the 30th of March, 1797.

WHEREAS it has been represented to the legislature, that the lands assigned to the Canadian and Nova Scotia refugees, upon actual survey are found to contain a less quantity than was intended to be conveyed to them: *And whereas* it appears that there remains a sufficient quantity of land originally appropriated for their use unoccupied, to supply the deficiency. Therefore Preamble.

*Be it enacted by the People of State of New York represented in Senate and Assembly*, That the commissioners of the land office shall cause the deficiency in the quantity of land intended to be granted to the Canadian and Nova-Scotia refugees to be ascertained at the expence of the claimants, and shall cause the surveyor general to lay out such deficiency upon the tract immediately west of the land already granted to them, and heretofore set apart for that purpose. — Deficiency land grant.

*And be it further enacted* That the commissioners of the land-office shall cause letters patent to be issued to the respective claimants or their legal representatives for the proportion of such deficiency to which they may be respectively entitled upon their paying the patent fees, and their respective proportions of the expences of survey — Proportions of claimants

## CHAP. 70.

### AN ACT granting to Anthony Dobbin and James Tustin the exclusive right of running stage waggons and other carriages between the town of Goshen and the city of New York.

PASSED the 30th of March, 1797.

*Be it enacted by the People of the State of New York represented in Senate and Assembly*, That Anthony Dobbin and James Tustin, and their respective executors administrators and assigns, shall have hold possess and enjoy for the term of three years from and after the passage of this act, a monopoly between Goshen and New York city. Stage monopoly between Goshen and New York city.



ing of this act, the sole and exclusive right, liberty and permission to erect, set up, and drive at all time and times hereafter during the term aforesaid such stage waggon or waggons or other carriages between the said town of Goshen in the county of Orange and the city of New York, as may be sufficient for the transportation of passengers on the said rout; and that it shall not be lawful for any other person or persons upon any pretence whatever during the term aforesaid, to erect, set up, or drive any stage waggon or waggons, or any other carriages for the like purpose to and from the places aforesaid on the said rout or any part thereof under the penalty of five hundred dollars to be recovered by any person or persons who shall prosecute for the same together with costs in any court of record having cognizance thereof.

Conditions  
to be ful-  
filled.

*And be it further enacted* That the said Anthony Dobbin and James Tustin their executors administrators and assigns shall furnish and provide at least one good and sufficient covered stage waggon or other carriage to be drawn by four able horses for the purposes aforesaid; and that the price of each and every passenger therein shall not exceed four cents per mile including the privilege of carrying fourteen pounds weight of baggage; and that for every one hundred and fifty pounds weight of baggage, not exceeding a like sum of four cents per mile shall be paid for the same, and so in like proportion for any greater or less quantity. And the said stage waggon or waggons or other carriage shall go and return at least once in every week during the said term of three years on the rout aforesaid unless the same shall be prevented by any temporary badness of the roads, or some uncommon let or hindrance. *Provided always*, that in case the said Anthony Dobbin and James Tustin their executors administrators or assigns shall neglect or refuse to do and perform the duties aforesaid according to the true intent and meaning of this act, that in such case this act shall cease and become void.

## CHAP. 71.

AN ACT to amend an act entitled "An act to incorporate the stockholders of the Bank of Albany.

PASSED the 31st of March, 1797.

Preamble.

WHEREAS the stockholders of the bank of Albany convened at a general meeting of the said stockholders, held agreeably to the act entitled "An act to incorporate the stockholders of the bank of Albany," have prayed certain alterations in the act aforesaid; therefore

Two co-  
partners  
not to be  
directors  
at the same  
time.

*Be it enacted by the People of the State of New York represented in Senate and Assembly*, That no two or more persons who are or shall be interested or connected together as copartners in any mercantile establishment or manufactory or landed speculation shall be eligible to the office of director at the same time, and that if any two persons known to be so connected shall be elected at any one time, that only the person having the greatest number of votes shall be admitted to a seat, and the election of the other person or persons so connected as copartners shall be considered as void; *and further* that if after any election the directors or either of them shall know, or be informed by any stockholder that such connection does exist between any two or

more persons chosen directors, it shall be the duty of the said directors on receiving the information to appoint three stockholders disconnected with the parties and not in the direction, to examine the truth of the same, and on their certifying in writing that such persons are so connected together, their seats shall become vacant, and a new election be ordered to supply their places:—

*And be it further enacted* That the present directors of the said bank (except the president) shall previous to the ensuing election class themselves into four classes of three members each; that the first class be ineligible at the ensuing election; that so many of the second class as shall continue in office until the next annual election shall be ineligible at the said election; that so many of the third class as shall continue in office until the next succeeding annual election shall be ineligible at the said election; and that so many of the fourth class as shall continue in office until the next succeeding annual election shall be ineligible at the said election; and that the persons who may be chosen directors at any future election (excepting the president for the time being) shall be so classed as not to be eligible as directors for more than three years successively, until their seats have been vacated for one year at least.

Directors not to serve for more than three years in succession.

## CHAP. 72.

AN ACT to regulate buildings within certain limits of the city of Albany.

PASSED the 31st of March, 1797.

**WHEREAS** the mayor, aldermen and commonalty of the city of Albany, have by their petition represented to the legislature, that it will greatly tend to the safety of the said city against accidents by fire, to regulate the erecting of wooden buildings within certain limits in the said city: Therefore.

Preamble.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That the exterior walls of all dwelling houses, stores and other buildings, which after the first day of September next shall be built or erected within the city of Albany between the north and south bounds thereof, and extending westward to Hawk street, continued northerly and southerly to the northerly and southerly bounds of the said city shall be made, erected and constructed either of stone or brick or of timber faced with brick, with party or fire walls rising twelve inches above the roof, and shall be covered except the flat roof thereof, with tile, tin or slate, or other safe materials against fire, and not with boards or shingles, and that the flat of any roof may be covered with boards or shingles, *provided* such flat do not exceed two fifth parts of the space of such roof, and that there be erected around the same flat, a substantial balcony of balustrade; *Provided always nevertheless,* that all roofs of steeples, cupolas, and spires of churches and other public buildings, may be covered with boards and shingles, any thing in this act to the contrary notwithstanding.—

Walls and roofs of buildings, how to be constructed, within certain limits.

*And be it further enacted* That if any dwelling house store or other building whatsoever shall be erected, constructed, covered or roofed contrary to this act, except as herein before excepted, the proprietor or proprietors thereof shall for every such offence forfeit and pay the sum of one hundred dollars, and the further sum of twenty five dol-

Penalty for violation of foregoing provisions.

lars for every month such offence shall be and continue; and the workmen who shall build, construct, raise, erect or roof, such dwelling house, store or other building, contrary to this act, shall for every such offence forfeit and pay the sum of fifty dollars; to be recovered with costs of suit in any court of record within this State by any person or persons who shall sue or prosecute for the same to effect, the one half thereof to the person or persons so prosecuting, and the other half when recovered to the chamberlain of the said city for the use of the poor thereof.

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## CHAP. 73.

AN ACT to increase the number of firemen in the city of Albany.

PASSED the 31st of March, 1797.

**Preamble.** WHEREAS it is represented by the mayor, aldermen and commonalty of the city of Albany, that the present number of firemen are insufficient for the said city and that an increase will be highly beneficial: Therefore

Number of  
firemen in-  
creased to  
one hun-  
dred and  
fifty.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That it shall & may be lawful to and for the mayor, aldermen and commonalty of the said city in common council convened, to increase the number of firemen which have been appointed in pursuance of an act entitled "An act for the better extinguishing fires in the city of Albany," to a number not exceeding one hundred and fifty firemen, who shall be regulated and governed in the same manner, be liable to the same penalties, and entitled to the same privileges and exemptions as are mentioned in the same last mentioned act.

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## CHAP. 74.

AN ACT to ascertain and alter the line of division between the counties of Montgomery and Herkimer.

PASSED the 31st of March, 1797.

**Preamble.** WHEREAS inconveniences have resulted to the inhabitants of the counties of Montgomery and Herkimer by reason of there being no definite point designated by law, where the line of division between the said counties should intersect the Mohawk river. Therefore.

Line of  
division  
between  
Herkimer  
and Mont-  
gomery  
counties.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the said line of division shall commence at a certain post erected at the northwest corner of the town of Springfield in the county of Otsego, thence a direct course or line drawn to the east end of the easternmost lock of the canal on the north side of the Mohawk river at the little falls, thence north agreeable to the magnetic direction of the needle, in the year one thousand seven hundred and seventy two to the southerly line of a tract of land called Jerseyfield, from thence a direct course to strike the line of division between two certain tracts of land, the one known and distinguished by the name of Nobleborough, and the other by the name of Arthurborough, thence along the said line of division to the northerly bounds

thereof, thence a north course to the north bounds of this State. *Provided* that it shall not be necessary for the surveyor general of this State, to run and survey the said division line between the said counties any farther northerly than to the said tract of Nobleborough.

*And be it further enacted* That all that part of the county of Herkimer lying eastward of the aforesaid line, shall be and hereby is annexed to the county of Montgomery, any law to the contrary notwithstanding. Part annexed to Montgomery.

*And be it further enacted* That the inhabitants residing thereon shall be considered as belonging to the several towns in the county of Montgomery which lye directly south of and adjoining thereto and which towns in Montgomery shall extend northerly so as to include all that tract now annexed to the county of Montgomery. Towns.

## CHAP. 75.

AN ACT relative to the treasurer of this State.

PASSED the 31st of March, 1797.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That it shall and may be lawful for the treasurer of this State to reside and continue his office in the city of New York until the first day of May in the year one thousand seven hundred and ninety eight, any clause or direction in the act entitled "An act for erecting a public building in the county of Albany and for other purposes therein mentioned," to the contrary thereof notwithstanding. Treasurer's office may remain in New York city.

## CHAP. 76.

AN ACT relative to the courts of common pleas and general sessions of the peace in the county of Clinton.

PASSED the 31st of March, 1797.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the future terms of the courts of common pleas and general sessions of the peace in the county of Clinton, shall be holden at the following times and places, to wit; the first term of the said courts shall be holden at the court house in the town of Platts-burgh in the said county on the first Tuesday of May next; the second term of the same courts, at the block-house in the town of Wills-burgh in the said county, on the first Tuesday of October next, and the third term of the said courts at the said court house in the town of Platts-burgh on the third Tuesday of January in the year one thousand seven hundred and ninety eight; and the terms of the said courts shall be holden thereafter alternately at the said town of Platts-burgh and Wills-burgh aforesaid on the first Tuesdays of May and October, and on the third Tuesday of January in each year until further legislative provision be made in the premises. Terms of courts in Clinton county: where held.

*And be it further enacted,* That all process made returnable in the said court of common pleas on the third Tuesday of January last, and Process continued.

all proceedings depending in the same court shall be and hereby are declared valid and in no wise discontinued; and all proceedings in the said court of general sessions of the peace on the first Tuesday of October last shall be and are hereby continued to the first Tuesday of May next, and all persons bound by recognizance or otherwise to appear in the said court of general sessions of the peace on the third Tuesday of April next, shall be holden to appear and answer in the same court on the first Tuesday of May next, any thing in any former act to the contrary in any wise notwithstanding.

## CHAP. 77.

AN ACT relative to certain lands held in trust by the late Peter Remsen.

PASSED the 31st of March, 1797.

**Preamble.** WHEREAS the following lots or parcells of land situate in the town of German Flatts in the county of Herkimer, distinguished in a certain indenture bearing date the eighteenth day of September one thousand seven hundred and sixty five, made between Hans Dederick Stelly and others of the first part, and Peter Remseh, then of the city of New York merchant of the second part, by lots number forty five, forty six and forty seven, were thereby granted to the said Peter Remsen and to his heirs, in trust for the support of the ministers of the gospel in conformity to the provisions contained in the said indenture. *And whereas* the said Peter Remsen is since deceased, leaving the rents of the said lands uncollected and legislative interference having been prayed for in the premises. Therefore.

Heirs of Peter Remsen may grant certain lands to the church specified.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That it shall and may be lawful for the heir or heirs of the said Peter Remsen and for any other person or persons in whom the said trust estate is vested to convey and transfer the same, to the corporation known and distinguished by the name of "The Minister Elders and Deacons of the Reformed Protestant Dutch Church of the town of German Flatts in the county of Herkimer," to be held by the said corporation and the successors thereof to and for the uses in the indenture aforesaid particularly specified and intended, and to and for no other use whatsoever, together with all and singular the rights and privileges incident to the said trust.

Church empowered to collect arrears of rent.

*And be it further enacted,* That it shall and may be lawful to and for the corporation aforesaid, after being vested with such trust, to institute suits, and to prosecute the same to judgment and execution for any rents still due and in arrear which may have been charged on the said lands by the said Peter Remsen! or by any other person in whom the said trust was vested after his decease, or by his or their agent or agents as fully and effectually as the said Peter Remsen or any such other trustee or trustees might have done, and also to institute suits and to prosecute the same to judgment and execution for any trespasses committed by any person or persons whomsoever on the said trust estate antecedent to the passing of this act. *Provided always,* that no such suit shall lay against any person who heretofore had been prosecuted, and against whom judgment may have been ob-

tained by the said Peter Remsen, or by any person or persons in whom the trust aforesaid has been vested since the decease of the said Peter Remsen.

## CHAP. 78.

### AN ACT for the relief of James Desbrosses and Isaac Sniffin.

PASSED the 31st of March, 1797.

**WHEREAS** it appears from the certificate of the honorable John Sloss Hobart Esquire one of the judges of the supreme court of this State, that the sum of two hundred and two pounds fifteen shillings and one penny, farthing is due to the executor of the estate of Elias Desbrosses deceased from the forfeited estate of Charles Inglis late of the city of New York, clerk, upon a certain bond executed by him. Therefore.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the treasurer of this State be, and he is hereby directed to pay to James Desbrosses, surviving executor of the estate of Elias Desbrosses, deceased, the sum of five hundred and six dollars, and eighty nine cents, from the proceeds of the forfeited estate of the said Charles Inglis, if any such monies there be in the treasury, upon the said James Desbrosses delivering and depositing the said bond with the treasurer and making oath before him that he the said James Desbrosses hath not nor hath any other person to his knowledge or belief received or secured, and that he doth not expect to receive or secure any part of the said debt in any manner or way whatsoever, the provisions made by this act only excepted.

*Whereas* it hath been represented to the legislature that Joseph Merrit and Joseph Brundridge senior late of the county of Westchester deceased, in the life time of the said Joseph Merrit and of the said Joseph Brundridge, to wit on the twenty ninth day of April, in the year one thousand seven hundred and seventy six executed to Margaret Jones late of Rye in the county aforesaid, a bond or obligation for the proper debt of the said Joseph Merrit, conditioned for the payment of seventy two pounds with lawful interest for the same on or before the twenty ninth day of April then next; that the estate of the said Joseph Merrit hath been confiscated, that there is now in the treasury of this State a sum more than sufficient to pay the said debt. Therefore.

*Be it further enacted,* That it shall be lawful for the said treasurer and he is hereby directed upon due proof being made to him of the execution of the said bond to pay to Isaac Sniffin acting and surviving executor of the said Margaret Jones, such sum as the said treasurer shall find to be due on the said bond, computing interest thereon to the first day of January one thousand seven hundred and eighty nine only, upon the said executor's making oath before the said treasurer that he hath not nor hath any person on his behalf to his knowledge or belief received or secured nor doth he expect to receive or secure any part of the said debt in any manner or way whatsoever, the provision made by this act only excepted, and delivering up the said bond to the said treasurer.

*And be it further enacted,* That the said James Desbrosses and Isaac Sniffin, shall on receiving the monies aforesaid, give security to the

Preamble.

Appropriation to James Desbrosses.

Id. to Isaac Sniffin.

Security to be given

by persons  
named.

people of this State, to the satisfaction of the treasurer, to refund the said sums of money, as they may severally receive, or such part thereof, as may be necessary to discharge any incumbrance which may hereafter appear on the said respective forfeited estates, and to satisfy any claim or demand hereafter to be made against the people of this State, or against those claiming under them, by reason of the forfeiture and sale of the estates of the said Charles Inglis and Joseph Merrit respectively.

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## CHAP. 79.

### AN ACT for the relief of Henry Schoonmaker.

PASSED the 31st of March, 1797.

Letters-  
patent to  
Henry  
Schoon-  
maker.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That it shall and may be lawful for the commissioners of the land office, to grant letters patent to Henry Schoonmaker or his assigns, for two hundred acres of land out of any of the unappropriated lands of this State, on his producing to them a certificate of his having in company with others of the same class, furnished a man to serve in the levies of this State, in the year one thousand seven hundred and eighty three, together with a conveyance from the other persons concerned, to him for their respective shares in such land—*Provided* that the lands hereby intended to be granted, be located in such form and place as shall in the judgment of the commissioners be fair and equitable both with respect to the said Henry Schoonmaker and to the interest of the State.

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## CHAP. 80.

### AN ACT for the relief of the tenants of Peter Smith and others.

PASSED the 1st of April, 1797.

Preamble.

WHEREAS by the ninth section of the act entitled "An act for the better support of the Oneida Onondaga and Cayuga Indians, and for other purposes therein mentioned," it was provided, that Peter Smith and every tenant then holding lands in the tract leased by the Oneida Indians to the said Peter Smith as a sub-lessee under him, should have the right of pre-emption to such lands, at the mean price for which other lands, to be purchased by virtue of the said act from the said Indians should be sold, and a like provision by the tenth section of the said act was extended to certain designated occupants on other parts of the said tract not leased to the said Peter Smith. *And whereas* the said sub-lessees are by the tenure of their leases subjected to the payment of an annual rent to the said Peter Smith, by means whereof the terms on which they are entitled to the right of pre-emption are less favourable to them than the terms on which such other occupants are become entitled to the right of pre-emption; and it being meet and proper that no discrimination should prevail between such sub-lessees and such other occupants. Therefore

*Be it enacted by the people of the State of New York represented in Senate and Assembly,* That if the said Peter Smith shall on or before the fifteenth day of May next, signify by writing under his hand and seal, to the surveyor general of this State, that he is willing and doth consent to exonerate and release all the rents to become due to him from and after the fifteenth of January last past from such of his sub-lessees or occupants under him, whose names have been certified to the surveyor general by the agents appointed by the said act as intitled to the remainder and reversion of the lands leased to them respectively, and also to the provision in their favor contained in the tenth section of the act supplementary to the act aforesaid, that then the surveyor general shall and he is hereby required to credit the said Peter Smith with the present value of all the rent to become due from such sub-lessees as aforesaid, estimating such present value on the unexpired term of seventeen years at one shilling per acre; for each acre so certified as aforesaid, and computing on a compound interest of six per centum per annum, and shall charge the said Peter Smith with the present value of the rent stipulated in the lease to him from the Oneida Indians, estimating such present value on the term of nineteen years, and computing on a compound interest of six per centum per annum, and the difference between the two present values aforesaid shall by the surveyor general be deducted from the sum for which the said Peter Smith was to execute a mortgage to the people of this State in conformity to the said act, and the surveyor general shall thereupon take a release of all such rents as aforesaid from the said Peter Smith to the lessees by this act intended to be released and exonerated from such rent and to none others; but in case the said Peter Smith shall refuse or neglect to signify his assent to such exoneration, or shall refuse or neglect to execute such release and to accept of such compensation as aforesaid, that then the surveyor general shall charge him with the present value of the rent, stipulated in the lease to him from the Oneida Indians, and add the amount to the sum for which he is to give a mortgage arising from such mean price as aforesaid, and shall then divide the present value of the rents estimated as above mentioned pro rata, between such sub-lessees and occupants, according to the respective number of acres, to which the right of pre-emption in the remainder and reversion has been certified by the said agents, and shall deduct the proportion which each is entitled to of such present value from the amount arising from such mean price as aforesaid, and take a mortgage from each for the residue in manner directed by the said act, but no lessee in whose favor this provision is made shall be entitled to any part of the allowance intended by the tenth section of the act supplementary to the act aforesaid.

Peter Smith, credit to, on treasurer's books; conditions.

*And whereas* doubts have arisen relative to the principle on which the mean price of the lands in the Cayuga tract, is estimated. Therefore.

*Be it further enacted* That the mean price to be paid by such occupants, whose names have been certified by the agents aforesaid as entitled to the right of pre-emption in conformity to the act first abovementioned, shall be estimated on the lands sold in that part of the said tract, laying to the south of the great Genessee road, and for which payment has actually been made to the surveyor general, or secured to be paid by mortgage or otherwise, any thing in the act supplementary to the act aforesaid notwithstanding.

Price to be paid for certain lands.

\* So in the original.



*And whereas* the said agents appointed on the part of the people of this State have lately quit claimed on the part of the people of this State to the Oneida tribe of Indians all the lands tenements and hereditaments situate or laying between the Chittenengo and Connosseraga creeks as far south as to meet an easterly line from the deep spring to the easternmost of the said creeks, to be drawn by the shortest distance between the said spring and the said easternmost creek, and as far north as to the junction of the said two creeks; *and whereas* it is represented that several locations have been laid in part covering the lands so quit-claimed, one in the name of Ezekiel Scott; another in the name of Jonathan Pearsee; another in the name of Jellis A Fonda; and another in the name of Peter B. Tearse; which locations are said to have been certified to the commissioners of the land office, as having been made in conformity to law, but no grants have been made of any part of the land so quit claimed on account of the claim of the said Indians; *and whereas* the right to the said locations, and to the lands to be granted in consequence thereof is now claimed by Richard Varick mayor of the city of New York, who has refused to accept the provision made in and by the eighth section of an act entitled "An act supplementary to the act entitled "An act for the better support of the Oneida Onondaga and Cayuga Indians, and for other purposes therein mentioned," and by his memorial presented to the legislature hath prayed relief in the premises. Therefore

Relocation  
of lands by  
persons  
described.

*Be it further enacted*, That it shall and may be lawful for the person or persons, intituled to the said respective locations or any or either of them, to withdraw such part or parts thereof as are included in the tract so quit-claimed, and to locate an equal quantity in any part or parts of the lands purchased of the Cayuga Indians in the year one thousand seven hundred and ninety five, and not already sold or otherwise appropriated, and the commissioners of the land office are hereby authorized to cause letters patent to be issued as well for such parts of the said lands so heretofore located as are not quit-claimed as aforesaid, as for such lands so to be located in lieu of the lands from which the said former locations shall be so withdrawn as aforesaid, thereby granting the same to the person or persons so intituled as aforesaid, and to his her or their heirs and assigns forever. *Provided* that such location or locations be made on or before the first day of September next. But if the said person or persons so intituled to the said locations respectively, his her or their heirs or assigns, shall think proper to retain the said locations so laid as aforesaid, and to wait for a grant of those parts thereof which lay between the Chittenengo and Connosseraga creeks until the State shall purchase the right of the said Indians, or they shall abandon the same, then and in such case, the commissioners of the land office, are hereby authorized to cause letters patent to be issued as soon as conveniently may be for such parts of the land so located as aforesaid as are not included in the said tract so quit-claimed, thereby granting the same to the person or persons so intituled as aforesaid, and to his her or their heirs and assigns forever, which shall not prejudice his her or their claim to the residue of the land so located when the Indian right to the same shall be extinguished.

## CHAP. 81.

AN ACT for extinguishing fires in the village of Jamaica in Queens county.

PASSED the 1st of April, 1797.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That it shall and may be lawful for the proprietors of a certain fire engine, purchased by sundry inhabitants of the village of Jamaica on the first Monday in May in every year to choose not less than three nor more than five trustees to be called the fire company of the village of Jamaica. Trustees of the fire company of Jamaica.

*And be it further enacted,* That the trustees so to be chosen as aforesaid, or a major part of them shall have full power and authority to nominate and appoint a sufficient number of firemen (willing to accept) not exceeding thirteen to have the care management, working and using the said fire engine and the other tools and implements to be provided for the extinguishing of fires within the said village, which persons so to be nominated and appointed as aforesaid, shall be called the firemen of the village of Jamaica, who are hereby required to be ready at all fires as well by night as by day to manage, work and use the said fire engine and other tools and implements aforesaid. Appointment of firemen

*And be it further enacted,* That each of the persons so to be nominated and appointed, shall during his continuance in office be exempt from military duty, except in times of invasion or other imminent danger, and further that the said trustees or a major part of them shall have power from time to time to remove any firemen so to be appointed and others to appoint in the room or stead of those so removed when and as often as they shall think proper; and further that it shall be lawful for the said trustees or a major part of them to make establish and ordain such rules and regulations for the government of the persons so to be appointed firemen for the purpose of using trying and working the said fire engine, tools and implements, and to impose on them such reasonable fines and penalties not exceeding five dollars for any one offence, upon such firemen or any of them in not performing the duties hereby to be enjoined or required from them as they from time to time may think proper. Exemptions of firemen; regulations.

*And be it further enacted* That all fines incurred by virtue of this act shall and may be recovered by any one of the trustees aforesaid in his own name, before any justice of the peace in the said county with costs of suit, to be reported to the said board of trustees and appropriated by a majority of them for the purpose of procuring and keeping in repair the fire engine and other implements necessary for the extinguishing of fires in the said village of Jamaica. Fine, recovery of.

*And be it further enacted,* That it shall and may be lawful for the said trustees from time to time to appoint a clerk who shall enter in a book to be kept for that purpose the names of the proprietors of the said fire engine and the names of the said trustees so from time to time to be chosen, and the names of the firemen to be by them from time to time appointed or removed, together with such rules and regulations as shall from time to time be made for the government of the persons so to be appointed firemen, which entries may be given in evidence in any trial for the recovery of any penalty which may be incurred by virtue of this act. Clerk to trustees.

## CHAP. 82.

AN ACT altering the time for holding the circuit court in the county of Rensselaer, and for other purposes therein mentioned.

PASSED the 1st of April, 1797.

Term of circuit court altered in Rensselaer county.

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That instead of the fourth Monday in June the time now prescribed by law for the commencement of the circuit court in the county of Rensselaer, the same shall commence on the third Monday in September in each and every year any thing in the act entitled An act regulating the holding circuit courts in this State, to the contrary notwithstanding.

Common pleas and general sessions in Saratoga.

*And be it further enacted* That the court of common pleas and general sessions of the peace in and for the county of Saratoga held by law on the second Tuesday in May, shall from and after the fifteenth day of May next be held on the second Tuesday in April in every year thereafter and may continue to be held until the Saturday next following inclusive, *provided always* that it shall be lawful for the judges and justices of the said court when they conceive the due administration of justice will admit thereof to adjourn the said court to the next succeeding term, on any day preceding the last day, to which the power of holding the said court is hereby extended as afore-said.

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## CHAP. 83.

AN ACT to provide for the payment of the annuities to the Indians stipulated to be paid by this State.

PASSED the 1st of April, 1797.

Additional annuities to be paid to certain Indians.

*Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same,* That there shall be paid by this State to the Oneida Indians an additional annuity of six hundred and seventeen dollars and twenty eight cents, and to the posterity of the Cayuga Chief Fish Carrier an annuity of fifty dollars, according to the agreement made with the said Indians by the agents appointed in and by the act entitled "An act for the better support of the Oneida Onondaga and Cayuga Indians and for other purposes therein mentioned," which several annuities shall be paid on the first day of June next, at the several places specified in the contracts made with the said tribes in the year one thousand seven hundred and ninety five, and on the first day of June yearly thereafter out of any monies then in the treasury. And that as well the said annuities as all other annuities payable by this State to any Indians, shall be paid yearly out of the treasury of this State to such person or persons, as the person administering the government of this State for the time being shall from time to time by warrant or warrants under his hand and the privy seal of this State direct and appoint to receive the same. And the person administering the government of this State for the time being, is hereby authorized to cause the said annuities to be paid to the said Indians at the expence

of this State in such manner and by such persons as he may think proper, or may be most agreeable to the said Indians, and the least expensive to this State; and may for that purpose direct the surveyor general to perform that service or make such arrangements or contracts with any other persons relative to the premises as he may judge proper.

## CHAP. 84.

AN ACT further to amend an act entitled "An act for the partition of lands.

PASSED the 1st of April, 1797.

WHEREAS it frequently happens that lands and estates lying in different counties within this State, are held and owned by several as tenants in common, joint tenants or coparceners. Preamble.

And whereas the frequent division of counties in this State by separating into different counties, estates which before such division were situated in one county, renders the partition of such lands agreeably to the mode prescribed in and by the fifteenth section of the act entitled "An act for the partition of lands" more inconvenient and expensive to the parties therein interested. Therefore.

Be it enacted by the People of the State of New York represented in Senate and Assembly, That whenever it shall or may happen, that lands and estates lying in different counties in this State are held and owned by several as tenants in common, joint tenants or coparceners and shall so as aforesaid have been affected or shall hereafter be affected by the division of any county or counties, it shall and may be lawful for the court of common pleas in the county where the greatest part in value of such lands tenements or hereditaments shall be, upon the application of one or more of the owners or proprietors of such lands tenements and hereditaments for partition thereof, it being proved to the satisfaction of the said court to whom such application shall be made, that the greatest part in value of such lands, tenements and hereditaments, so to be divided do lie within the said county; and that they do not exceed in value the sum of twenty thousand dollars, to appoint commissioners, prescribed in and by the said fifteenth section of the said act entitled "An act for the partition of lands," which commissioners shall and may proceed to a partition of such lands, tenements and hereditaments held in common as well in the county in which the greater part in value thereof lie, as in the other counties in which other parcels thereof are situated in like manner as they might have done, if the whole of such lands tenements and hereditaments were of a less value than twelve thousand, five hundred dollars, and were situate in the county in which such commissioners were appointed. Partition of lands which lie partly in two counties.

Provided always That the whole of the estate so to be divided as aforesaid, shall not exceed in value the sum of thirty thousand dollars.

Provided further That this act shall not affect or be extended to any lands tenements and hereditaments, other than such as lie in counties contiguous to each other, and are comprehended within one and the same patent, or grant, or lie adjoining to each other.

## CHAP. 85.

AN ACT to establish a jurisdiction line between the county of Saratoga and the town of Schenectady, and to repeal the act therein mentioned.

PASSED the 1st of April, 1797.

Jurisdiction line established; act recited repealed.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the lines specified in the award of the late commissioners that were appointed by an act entitled "An act for settling the line or lines of division between the town of Schenectady and the patent of Kayaderosseras passed the 19th day of January 1793 (as the said award respects the easterly and northerly bounds of the said town) shall hereafter be the jurisdiction line between the county of Saratoga and the town of Schenectady and that the act entitled "An act to establish a temporary jurisdiction line between the town of Schenectady and the county of Saratoga," be and hereby is repealed.

## CHAP. 86.

AN ACT for apportioning the poor of the late town of Saratoga among the towns therein mentioned & for other purposes.

PASSED the 1st of April, 1797.

Preamble.

WHEREAS no adequate provision hath been made by law since the division of the late town of Saratoga for apportioning the poor belonging to the said town, among such parts thereof as have been erected into separate towns; therefore

Commissioners to apportion the poor of the former town of Saratoga.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That Elisha Powel, Robert Perrigo and Hugh Peebles be and hereby are appointed commissioners for the purpose of apportioning the poor among the towns of Saratoga and Stillwater in the county of Saratoga, and the town of Easton in the county of Washington, and for settling and adjusting all the unsettled accounts of the late town of Saratoga, which were unsettled at the time of the division of the said town into other towns as aforesaid and all such accounts as have arisen since such division for the maintenance of poor persons by any one of the said towns that ought to have been maintained by another town, in such manner as shall appear just and equitable to the said commissioners, or to a majority of them. —

Maintenance of poor after apportionment.

*And be it further enacted* That each of the said towns shall after the said apportionment maintain such poor as shall be allotted to it by the said commissioners or a majority of them.

Payment of deficiency by the different towns.

*And be it further enacted* That if after the settlement of the accounts of the said town, as aforesaid, it shall be found that either of the aforementioned towns has not paid its proportion toward the maintenance of such poor, and that by reason of such deficiency any of the said towns has contributed more than its proportion, that then and in such case, it shall be the duty of the supervisors of the county of Saratoga, if the balance shall be found due from any of the towns of the county of Saratoga, and of the supervisors of the county of Washing-

ton, if the balance shall be due from the town of Easton in such county, to cause to be raised levied and collected from the freeholders and inhabitants of the town from which it shall be so found due, such sum or sums of money as the commissioners or a majority of them shall certify to be due from one town to another, and that the sum or sums so collected as aforesaid, shall be paid to the overseers of the poor of the town specified in the said certificate of the said commissioners or a majority of them.

*And be it further enacted* That the said commissioners be and they are hereby authorized and required to meet on the first Tuesday of May next or within ten days thereafter, at the house of Ezekiel Ensign in the town of Stillwater, for the purposes aforesaid, and shall have power to adjourn from time to time, until they shall have compleated the business, and that the decisions of the said commissioners or a majority of them touching the matters in this act contained shall be binding and conclusive between the said towns.—

When and  
where  
commis-  
sioners  
to meet.

## CHAP. 87.

AN ACT for constructing a road and establishing and erecting turnpikes between the city of Albany & the town of Schenectady.

PASSED the 1st of April, 1797.

WHEREAS a good and sufficient road between the city of Albany and the town of Schenectady will manifestly tend to the advantage of the citizens of this State: Therefore Preamble.

I. *Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That there shall be established a company of stockholders for the purpose of making a good and sufficient road to begin one mile from the court house in the city of Albany and to go by the nearest and most direct rout from the place of beginning to the stone commonly called the sixteenth mile stone, near the village of Schenectady on the common road now used from the city of Albany to the village of Schenectady, & be called and known by the name of "The President Directors and Company of the Albany and Schenectady turnpikes in the county of Albany and State of New York;" that the capital stock of the said company shall consist of two thousand shares, and that subscriptions for shares in said company shall be taken in manner following towit; Jacob Van Der Heyden, Killiam K. Van Rensselaer, Sanders Lansing and James Van Ingen or any two of them, shall be a board of commissioners for taking subscriptions in the city of Albany, and John Glen, James-Murdoch, David Tomlinson and Joseph C. Yates or any two of them shall be a board of commissioners for the like purpose in the town of Schenectady, and that each board shall provide one book and shall enter therein as follows "We whose names are hereunto subscribed, do for ourselves and our legal representatives promise to pay to the President, Directors and Company of the Albany and Schenectady turnpikes in the county of Albany and State of New York, established and incorporated by the act entitled "an act for constructing a road and establishing and erecting turnpikes between the city of Albany and the town of Schenectady," such sums of money for each share which we or our legal representatives shall from time to time hold in the said corporation Commis-  
sioners to  
organize a  
company  
to con-  
struct a  
turnpike  
road from  
Albany to  
Schenec-  
tady.

Payment  
by sub-  
scribers.

Limitation  
to sub-  
scriptions.

When  
more than  
two  
thousand  
shares sub-  
scribed.

and in such proportions and at such time and times as the President and Directors aforesaid shall direct & require." And the said board of commissioners respectively shall open their books for taking in subscriptions for the purpose aforesaid on the third Tuesday in May next, and shall take the subscription of every person who shall offer to become a subscriber from day to day, (Sundays excepted) for the period of ninety days; and the commissioners above named or any three of them shall at least fourteen days previous to the third Tuesday in May give notice of the days on which the subscription books shall be opened, and of the days inclusive on which the same will close in both places, in one of the newspapers printed in the city of Albany, and in the newspaper printed in the town of Schenectady: *Provided always* that every subscriber shall at the time of subscribing, pay unto the said commissioners, with whom he or she shall subscribe the sum of ten dollars for each share by him or her subscribed, and if any subscriber shall at the time of subscription pay for more shares than shall eventually be certified by the said commissioners, then and in every such case the commissioners shall retain no more of the subscription money in their hands than will amount to the shares so certified, at the rate of ten dollars for each share, and return the overplus to the subscriber entitled thereto; *and provided further* that within the period above mentioned, no person or body politic or corporate shall subscribe more than ten shares, and the commissioners by this act appointed shall on the day next after the expiration of the aforesaid ninety days, or as soon thereafter as may be convene, and if it shall appear to them or any five of them, that one thousand shares have not been subscribed to the company, they shall by advertisements to be published as aforesaid give notice, that on a day certain, which day shall not be less than eight days from the first publication of such notice their books will again be opened, at such of the said places as they may think proper, and that they will continue to receive subscriptions from day to day (Sundays excepted) for the space of ten days, or until two thousand shares in the whole have been subscribed, and on such last subscription any person or body politic or corporate may subscribe any number of shares at pleasure, not exceeding the deficiency; and if at the end of the said ten days, two thousand shares shall not be so subscribed, then the books shall be closed, and it shall and may be lawful for the said company after they shall have become incorporated in manner herein prescribed to take in subscription for the deficient shares, or not as to the stockholders of the said company shall seem proper; but if it shall appear to the said commissioners on the expiration of the said ten days, or on closing the books last as aforesaid, that the aggregate of all the shares subscribed exceed two thousand shares, the excess shall be deducted from the respective subscribers to the company in manner following towit: If the whole number of subscribers amount to two thousand, whatever may be the number of shares, each subscriber shall be entitled to one share; if the whole number of subscribers exceed two thousand it shall be determined by lot by the said commissioners which of the subscribers shall be entitled to a share and which not — If the number of subscribers are less than two thousand and the number of shares by them subscribed exceed two thousand shares, then those who have only subscribed one share shall be entitled to such share, and the remainder of the subscribers shall be classed into nine classes; one class to consist of all those who have subscribed two shares, one class to consist of all those who have subscribed three shares, one class of those who have subscribed four

shares, one class of those who have subscribed five shares, one class of those who have subscribed six shares, one class of those who have subscribed seven shares, one class of those who have subscribed eight shares, one class of those who have subscribed nine shares, one class of those who have subscribed ten shares, after which the shares to be deducted from each class shall be determined by the following rule to wit; as the aggregate of all the shares subscribed by the nine classes is to the excess above two thousand, so is the aggregate of the shares subscribed by any class to the shares to be deducted from that class, the aggregate deduction to be made from each class being thus determined, if such aggregate is less than one share for each, it shall be determined by lot which of the subscribers shall hold two shares, if such aggregate is more than one share to each subscriber, it shall be determined by lot which of the subscribers shall hold one share, and the like rule shall be applied to the deduction in each of the other eight classes; and the said commissioners shall then enter in the books of subscription the names of the subscribers, designating the number of shares to which each subscriber shall be entitled, and having acknowledged the same before one of the judges of the court of common pleas of the county of Albany, shall cause the same to be recorded in the office of the clerk of said county.—

II. *And be it further enacted* That immediately from and after the recording in manner aforesaid, the persons in the said list named as subscribers whilst they continue stockholders therein, and all others who shall become stockholders therein shall be and are hereby created and made a corporation and body politic, in fact and in name, by the name and stile of “The President, Directors and Company of the Albany and Schenectady Turnpikes in the County of Albany and State of New York,” and that by that name, they and their successors for ever shall and may have perpetual succession, and by that name shall be and hereby are made able and capable in law to have purchase, receive, possess, enjoy and retain to them and to their respective successors, lands, rents, tenements, hereditaments, goods, chattels and effects of what kind or quality soever to the amount of two hundred thousand dollars, and the increase and profits thereof, and of enlarging the same from time to time by additional payments of the stockholders of the company, and in such manner and form as they shall think necessary, if such additional payments shall be found necessary to fulfil the end and intent of the incorporation hereby created and made, and herein after particularly specified and directed, and to no other use, intent or purpose whatsoever; and the same estate or estates or any part thereof to sell grant, demise alien or dispose of; to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in courts of record or any other place whatsoever; and also to make have and use a common seal, and the same to make, break, alter and renew at their pleasure, and also to ordain, establish and put in execution such bye laws, ordinances and regulations as shall seem necessary and convenient for the government of the said corporation, not being contrary to the laws of this State or to the constitution thereof; and generally to do and execute all and singular acts, matters and things to the said corporation it shall or may appertain to do; subject nevertheless to the rules, regulations, restrictions, limitations and provisions herein prescribed and declared.

III. *And be it further enacted* That for the well ordering of the affairs of the said corporation there shall be thirteen directors of the same who shall be elected in the present year, on the first Tuesday of

Stockholders incorporated under the name of the President, Directors and Company of the Albany and Schenectady Turnpikes.

Directors, number of, their election.



September next, and on the same day in every year thereafter by the stockholders and proprietors of the capital stock of the said corporation, and by a plurality of votes actually given by such stockholders in person or by their legal proxies; and those who shall be duly chosen at any election shall be capable of serving as directors by virtue of such choice until the first Tuesday of September next ensuing the time of such election, and until others are duly elected in their places; and the said directors at their first meeting shall choose one of their number as president; and the said commissioners in this act named or any five of them shall immediately after recording the list aforesaid, appoint a time when and a place where either in the city of Albany or the town of Schenectady, an election shall be held for electing directors for said company, and shall give at least twelve days notice of such time and place by publishing in one of the news-papers printed in the city of Albany, and in the news-paper printed in the town of Schenectady, at which time and place directors shall be chosen in manner above described, at which first election the said commissioners or any four of them shall preside; and a list of the directors so chosen shall be by them the said commissioners published in the newspapers in manner aforesaid, and shall by the said commissioners be requested to meet on a certain day and at a place certain to be therein mentioned, and being so met they shall choose one of their body to be president, and the directors and president so chosen shall continue in office until the first Tuesday of September next ensuing such election, and until others are duly elected in their places; *provided always* that in case it should at any time happen that an election of directors should not be made upon any day when pursuant to this act it ought to have been made, the said corporation shall for that cause not be deemed to be dissolved, but it shall be lawful on any other day to hold and make an election of directors in such manner as shall have been regulated by the laws and ordinances of the said corporation: *And provided also* that in case of the death, resignation or absence from the state of a director his place may be filled up by a new choice for the remainder of the year by election at a special meeting to be held for that purpose.—

Special  
meetings  
of stock-  
holders.

IV. *And be it further enacted* That it shall and may be lawful for the president and directors of the said corporation to convene special meetings of the stockholders whenever such meetings shall appear necessary, giving at least twelve days notice thereof in the newspapers herein before mentioned and directed.—

Appoint-  
ment of  
agents,  
workmen,  
etc.

V. *And be it further enacted* That the directors for the time being of the said corporation shall have power to appoint such officers agents, clerks, superintendants, artists, workmen and others under them as shall be necessary for executing the business of the said corporation, and to allow to them such compensation for their services respectively as the said directors shall deem reasonable and proper, and shall be capable of exercising such other powers and authority for the well governing and ordering the affairs of the said corporation, as shall be described, fixed and determined by the laws regulations and ordinances of the same not contrary to or inconsistent with the constitution and laws of the United States or of this State.—

Limita-  
tions and  
provisions.

VI. *And be it further enacted*, That the following rules, restrictions, limitations and provisions shall form and be the fundamental articles of the said corporation, vizt. *First*, the number of votes to which each stockholder shall be entitled shall be according to the number of shares he shall hold, in the proportion following (that is to say) for

Voting by  
stockhold-  
ers.

one share and not more than two shares one vote, for every two shares above two and not exceeding ten one vote, for every four shares above ten and not exceeding thirty one vote, and for every six shares above thirty one vote; but no person, copartners or body politic shall be entitled to a greater number than twenty votes; and after the first election no share or shares shall confer a right of suffrage which shall not have been held three calendar months previous to the day of election, stockholders actually resident in the State of New York and none others may be directors: *Second*, no director shall be entitled to any emolument unless the same shall have been, or shall be allowed by the stockholders at a general meeting. The stockholders shall make such compensation to the president for any extraordinary attendance as shall appear to them reasonable: *Third*, not less than seven directors shall constitute a board for the transaction of business of whom the president shall always be one, except in case of sickness, or necessary absence in which case his place may be supplied by any other director whom he by writing under his hand shall nominate for the purpose: *Fourth*; any number of stockholders not less than forty, who together shall be proprietors of four hundred shares or upwards shall have power at any time to call a general meeting of the stockholders for purposes relative to the institution, giving at least sixty days notice in the papers herein before mentioned, as is herein before directed, specifying the object or objects of such meeting; *Fifth*; every treasurer before he enters on the duties of his office shall enter into a bond with two sureties, conditioned for the just and due execution of his office; *Sixth*, the lands, tenements and hereditaments which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for the immediate purpose for which the corporation has been created and made; *Seventh*; no bank shall be established by the said corporation, nor shall it enter into any money negociations other than such as shall be immediately incident to the purposes for which it is instituted. *Eighth*; the stock of the said corporation shall be assignable and transferable according to such rules as shall be instituted in that behalf by the laws and ordinances of the same; all bills and notes which shall be given by the said corporation or their directors, signed by the president and countersigned by the treasurer or principal clerk promising the payment of money to any person or persons his her or their order or to bearer, tho' not under the seal of the said corporation shall be binding and obligatory upon the same in like manner, and with the like force and effect as upon any private person or persons if issued by him her or them, in his, her or their private or natural capacity or capacities, and shall be assignable and negotiable in like manner as if they were so issued by such private person (that is to say) those which shall be payable to any person or persons his her or their order, shall be assignable by indorsement in like manner and with the like effect as promissory notes now are; and those which are payable to bearer may be negotiable and assignable by delivery only; *provided always* that no such bills or notes shall be issued which shall not specify the particular service or articles for which they were paid; *and provided also* that the articles or services for which they were issued, were articles used or to be used for the purposes of the institution, or services performed therefor; *Tenth*: half yearly dividends shall be made by the said corporation of all the neat annual income thereof amongst the stockholders in proportion to their respective shares and no transfer of any share shall be made in any other manner than shall be directed by the president and directors of the company.—

Emolument of directors.

Quorum.

Meetings of stockholders.

Bond of treasurer.

Right to hold real estate.

Business not to be transacted.

Stock, bills and notes.

How lands  
acquired  
and value  
appraised.

VII. *And be it further enacted* That the said corporation by the president and directors, or by any agent superintendant, artist or other person employed in their service may enter into and upon any land where they shall deem it proper to construct the said road, and to lay out & survey such routs and tracts as shall be most practicable for effecting a good and sufficient road between the places aforesaid, doing nevertheless as little damage as possible to the grounds and inclosures over which the said road shall be constructed, and the said president and directors may contract and agree with the owners of any lands and tenements for the purchase of so much thereof as shall be necessary for the purpose of making, digging, and perfecting said road, and for erecting and establishing gates, toll houses, and all other works and devices to such road belonging if they can agree with such owners but in case of disagreement, or in case the owner thereof shall be feme covert, under age or non compos mentis, or out of the county, then it shall and may be lawful to and for the said president and directors to apply to one of the judges of the court of common pleas in and for the city and county of Albany who upon such application is hereby authorized, empowered and required to frame and issue one or more writ or writs as occasion shall require, in the nature of a writ of ad quod damnum to be directed to the sheriff of the county of Albany, commanding him that by the oath of twelve good and lawful men of his bailiwick who shall be indifferent to the parties, he shall enquire whether the person or persons owning any lands or tenements necessary to be used by the said president and directors, or which shall be injured in establishing the said road and turnpike or turnpikes which person or persons shall be named and which lands and tenements shall be described in such writ or writs shall suffer and sustain any and what damages by reason or means of taking any lands, tenements or other hereditaments necessary for the use of the said road and the works thereto belonging, and to return the same writ together with the finding of the said jury to the next court of common pleas held for the said city and county after such finding, and upon such writ being delivered to the said sheriff he shall give at least fourteen days notice in writing to all and every the owners and occupants of the premises who shall be within his bailiwick and shall also affix a copy of such notice on the door of the court house in said county of the lands and tenements in said writ described, of the time of executing the same and shall cause to come upon the premises at the time appointed twelve good and lawful men of his bailiwick to whom he shall administer an oath that they will diligently enquire concerning the matters and things in the said writ specified, and a true verdict give according to the best of their skill and judgment without favor or partiality, and thereupon the said sheriff and inquest shall proceed to view all and singular the lands and tenements in the said writ specified and shall cause the same to be minutely and exactly described by metes and bounds or other particular descriptions, and shall value or appraise the injury or damages, if any, which the owner or owners of the said lands or improvements will according to their best skill or judgment sustain and suffer by means of so much of the said lands and tenements being vested in the said corporation, and the said sheriff and jury shall make an inquisition under their hands and seals, distinctly and plainly setting forth the real damages sustained as aforesaid, and at the court of common pleas then next following the sheriff shall return the same; and if the said writ shall appear to have been duly executed, and the return thereof be sufficiently certain to ascer-

tain the lands, improvements, rights, liberties and privileges intended to be vested in the said corporation, and the several compensations awarded to the owners thereof, then the said court shall enter judgment, that the said corporation paying to the several owners as aforesaid, the several sums of money in the said inquisition assessed, or bringing the same into the said court over and besides the costs of such writs and of executing and returning the same shall be entitled to have and to hold to them and their successors and assigns forever, all and every the lands, improvements, rights, liberties and privileges in the said inquisition described, as fully and effectually as if the same had been granted to them by the respective owners thereof; and if any of the returns so to be made shall not be sufficiently certain for the purposes aforesaid, the said court shall award a new writ for the purpose aforesaid —

VIII. *And be it further enacted* That the president and directors of the said corporation shall have power and authority from time to time to fix the several sums of money which shall be paid by the subscribers or holders of every share of the stock of the said corporation in part of the sum subscribed, and the time when each and every of the dividends or parts thereof shall be paid and the place where they shall be received either in the town of Schenectady or in the city of Albany, and shall give at least sixty days notice in the newspapers aforesaid of the sum or dividend, and the time and place of receiving the same; and if any stockholder shall neglect to pay such proportions at the place or places aforesaid for the space of twenty days after the time so appointed for paying the same, every such stockholder shall in addition to the dividend so called for, pay after the rate of seven per cent: for every weeks delay of such payment; and if the same and the additional per centage shall not be paid within two months after the same ought to have been paid, then and in such case, the share or shares on which such payment shall be due, shall be forfeited to the use of the stockholders of the corporation, and may and shall be sold by them to any person or persons willing to purchase, for such prices as can be obtained therefor —

Assess-  
ments  
upon  
stockhold-  
ers.

IX *And be it further enacted* That it shall and may be lawful to and for the president and directors of the said corporation and their superintendants, artists, workmen and labourers, with carts, waggons and other carriages with their beasts of draft and burthen and all necessary tools and implements to enter upon the lands, contiguous or near to the intended road first giving notice of their intentions to the owners thereof, and doing as little damage thereto as possible, and repairing any breaches they may make in the enclosures thereof, and making amends for any damages that may be sustained by the owners of such ground and improvements by appraisement in manner herein after directed, and upon a reasonable agreement of the owners, if they can agree, or if they cannot agree, then upon an appraisement to be made upon the oath of three or if they disagree, any two indifferent freeholders to be mutually chosen; or if the owners neglect and refuse to join in the choice to be appointed by any justice of the peace of the county and on tender of the appraised value, to carry away any timber, stone, gravel, sand or earth being most conveniently situate for making or repairing the said road and turnpikes, and to use the same in carrying on the said works. —

Entry  
upon adja-  
cent lands;  
damages.

X. *And be it further enacted* That it shall and may be lawful to and for the president and directors as soon as the said road or any part of it shall be perfected to appoint such and so many collectors of toll for

Collectors  
of toll;  
toll-gates;  
rate of toll

the passage of carriages on said road and on the same to erect gates more effectually to stop passengers in order to take toll from them; and that it shall and may be lawful to and for such toll collectors and their deputies to demand and receive of and from persons on horseback, any person or persons having the charge of any carriage or carriages of whatsoever construction the same may be passing thro' said gates or using said road or any part thereof such toll and rates for every horseman or carriage as the said president and directors may think proper, at any convenient place or places on said road; *provided* the whole amount of toll shall not in any one year exceed the rate of fifteen per cent: upon the capital expended by said corporation, in making and improving such road —

Willful  
damage to  
road or  
gates.

XI. *And be it further enacted* That if any person or persons whatsoever, shall willfully and knowingly do any act or thing whatsoever whereby the said road or any gate or other thing thereto belonging shall be injured or damaged, he or they so offending shall forfeit and pay to the said corporation fourfold the costs and damages by them sustained by means of such known and wilful act, together with costs of suit in that behalf expended, to be recovered by action of debt in any court having jurisdiction competent to the sum due. —

Collection  
of toll,  
how en-  
forced.

XII. *And be it further enacted* That the collectors of toll duly appointed and authorized by the president and directors of the said corporation, may stop and detain persons on horseback, and all carriages using said road until the owner or driver of such carriage or carriages or horse or horses shall pay the toll so as aforesaid fixed, or may detain the said carriage and the beasts of draft to the same belonging, or any part of the same, or horse to such person belonging, sufficient by the appraisement of two credible persons to satisfy the same, which distress shall be kept by the collector of the tolls taking the same, for the space of six hours, and afterwards be sold at public vendue at the most public place in the neighbourhood to the highest bidder rendering the surplus on demand, if any there be after payment of the said toll, and the costs of distress & sale to the owner or owners thereof.

Bonds to  
be given  
by officers.

XIII. *And be it further enacted* That the president and directors of the said corporation may demand and require of and from their treasurer, and of and from all and every of the superintendants, officers and other persons by them employed, bonds in sufficient penalties, and with such sureties as they shall by their rules, orders and regulations require for the faithful discharge of the several duties and trusts to them or any or either of them respectively committed —

Accounts  
to be kept  
by presi-  
dent and  
directors;  
dividends.

XIV. *And be it further enacted*, That the president and directors of the said corporation shall keep a just and fair account of all monies received by them from the subscribers to the said undertaking for their subscription thereto, and all penalties for delay or nonpayment thereof, and of all monies by them expended in the payment of the costs and charges of procuring and purchasing all estates, rights and titles in the said corporation to be vested in pursuance of this act, or by any other means, and in paying their several officers by them to be appointed, and the wages of the different artists, workmen and labourers by them to be employed, and for the materials and work furnished and done in the prosecution of the works projected by the said corporation; and once at least in every year submit such account to the general meeting of the stockholders until the said road shall be completed, and until all costs, charges and expences of effecting the same shall be fully paid and discharged, and the aggregate amount of such expences shall be liquidated, and from and after the liquidation

thereof, if the two thousand shares above mentioned shall not be sufficient, it shall and may be lawful to and for the said president and directors of the said corporation at the general meeting of the stockholders held in pursuance of the preceding provisions, or called by the president and directors for the special purpose by public notice in two newspapers in manner aforesaid (which shall be given one month previous to the opening of the said subscription) to encrease the number of shares to such extent, as shall be deemed sufficient to accomplish the object of this act, and to demand and receive such additional subscriptions from the former, or in case of their neglect or refusal, from new subscribers, and upon such terms and in such manner as by the said general meeting or meetings shall be agreed upon; and the said president and directors of the said corporation shall also keep just and true accounts of all and every the monies received by their several collectors of toll on said road, and shall make and declare a dividend of the clear profits and income (all contingent costs and charges being first deducted) among all the stockholders of the stock of the said corporation, and shall on the second Tuesday of April in every year publish in manner aforesaid the half yearly dividend to be made of the said clear profits to and amongst the stockholders, and of the times and places when and where the same shall be paid, & shall cause the same to be paid accordingly —

XV. *And be it further enacted* That as soon as the said company shall be incorporated as aforesaid, the said commissioners shall upon demand pay to the president and directors of the same, the several sums by them received on taking the said subscription to the said company, and by them retained as aforesaid for the use of the said corporation after deducting thereout such contingent charges as they shall have incurred in the execution of the trusts committed to them by this act.

Commissioners to pay money to company on organization.

XVI. *Provided always, and be it further enacted* That whenever the turnpike road hereby authorized to be erected shall interfere or coincide with the old road leading from the city of Albany to the town of Schenectady, that then and in such case the corporation hereby intended to be erected shall open a road parallel to the old road herein before mentioned, as far as such interference or coincidence, or such interferences or coincidences shall extend, of the same width with the old road so occupied, and which said road so to be opened shall be made in as good and sufficient order for travelling with carriages, as that part of the said old road which shall be taken and appropriated by the said corporation for the said turnpike road to be free for the use of any person or persons without payment of toll or any consideration whatsoever, which road so to be opened, and the said old road shall not be deemed or taken to be a public highway after the said turnpike road shall be completed and fit for use.

Where turnpike coincides with the old road from Albany to Schenectady.

XVII. *And be it further enacted* That if any person who shall use the turnpike road shall evade the payment of toll by going round the gates established for the collection of toll, or any other way, such person so evading shall forfeit and pay fourfold the sum he would have been subject to pay for toll, to be recovered by any one of the directors or stockholders in his own name, with costs of suit in any court having cognizance of such sum, for the use of said corporation —

Penalty for evading payment of toll.

XVIII. *And be it further enacted*, That in case the corporation hereby erected shall not complete the said turnpike road within the term of ten years from the first day of May next, that then the said

Charter forfeited if road not constructed.

ted in ten  
years.

corporation shall cease and be dissolved, and all improvements which may have been made by virtue of this act shall revert to, and become the property of the people of this State.

## CHAP. 88.

### AN ACT for the better extinguishing fires in the village of Catskill in the county of Albany.

PASSED the 1st of April, 1797.

Trustees  
of the fire  
company  
in the  
village of  
Catskill.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That it shall and may be lawful for the freeholders and inhabitants of the town of Catskill having a right to vote at town meetings, and residing within the following limits vizt. Beginning at a store of Samuel Haight at the mouth of Vassen Kill, where it enters into the Catskill creek, thence following the said Catskill as it runs crossing the flats until it strikes the channel of the Hudson river then following the channel until it strikes the north point of the flats, then northerly until it strikes the Vassen Kill thirty chains above the store of the said Samuel Haight then down the said Kill to the place of beginning, to meet together at such place in the village of Cats Kill as the trustees hereafter directed to be chosen shall appoint, on the first Monday in May in every year, and then and there proceed to choose by ballot not less than three nor more than five trustees to be called the trustees of the fire company in the village of Catskill.

Firemen  
to be ap-  
pointed.

*And be it further enacted,* That the said trustees to be chosen as aforesaid or a major part of them shall have full power and authority to nominate and appoint a sufficient number of firemen (willing to accept) not exceeding fourteen to each fire engine now provided or hereafter to be provided for the use of the said village out of the inhabitants being freeholders or persons renting tenements to the value of one hundred dollars per annum to have the care, management working and using the said fire engines, and the other tools and instruments now or hereafter to be provided for the extinguishing fires within the said village which persons so to be nominated and appointed shall be called the firemen of the village of Catskill, who are hereby required to be ready at all fires as well by night as by day to manage, work and use the said fire engines and other tools and implements aforesaid.

Exemptions  
of  
firemen.

*And be it further enacted* That each person so to be nominated and appointed a fireman shall during his continuance in office be exempted and privileged from serving in the office of constable and from being impannelled upon any jury or inquest (except in the justices courts within the said village) and for this purpose the name of each fireman to be appointed by virtue of this act, shall be entered with the clerk of the town of Catskill and his certificate shall be sufficient evidence in all courts and elsewhere of such exemption and privilege; and further that the said trustees or a major part of them shall have power from time to time to remove any fireman so to be appointed and others to appoint in the stead of those removed, when and as often as they shall think proper. *And further* that it shall be lawful for the said trustees or a major part of them to make, establish and ordain

Regulations.

such rules and regulations for the government duty and behaviour of the persons so to be appointed firemen as aforesaid, in the working and frequent using and trying the said fire engines tools and instruments and to impose such reasonable fines and penalties not exceeding three dollars for any one offence upon such firemen or any of them for default in not performing the duties hereby to be enjoined or required from them, as they from time to time may think proper.

*And be it further enacted* That upon the breaking out of any fire within the said village, that the trustees aforesaid and the constables of the said town of Catskill together with the justices of the peace then being present in said village on notice thereof shall immediately repair to the place where such fire shall happen with staves and such other badges of authority as shall be ordained by a majority of them to be worn, and be aiding and assisting as well in extinguishing the said fires as in preventing any goods from being stolen and also in removing and securing the same, and in the execution of the duties required of them by this act. And it shall be the duty of such justices of the peace if any shall be present and they are hereby authorized to command the assistance of all and every of the able bodied inhabitants of said village whose duty it shall be to obey and execute all orders and directions of the trustees and magistrates aforesaid in extinguishing said fires removing and securing of the goods, providing water for the engines, and assisting the firemen in working the same.

Duty of certain officers on the breaking out of a fire.

*And be it further enacted*, That it shall be lawful for the trustees aforesaid or a major part of them, to direct and require the inhabitants or owners of dwelling houses and other buildings in said village to provide themselves with such and so many fire buckets to be ready in such houses and buildings for the purpose of extinguishing fires and to impose such reasonable fines and penalties for disobedience thereof as they shall think proper not exceeding five dollars for each bucket which shall be neglected to be furnished as aforesaid —

Inhabitants may be compelled to provide fire buckets.

*And be it further enacted* That all fines incurred and adjudged to be levied by the trustees aforesaid, shall be recovered by any one of the trustees aforesaid in his own name before any justice of the peace in the same county with costs of suit, to be reported to said board of trustees and appropriated by a majority of the same for the purpose of procuring and keeping in repair the fire engines and other instruments necessary for the extinguishing fires in the said village of Catskill.

How penalties recovered and applied.

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## CHAP. 89.

### AN ACT for the relief of William Moulton.

PASSED the 1st of April, 1797.

*Be it enacted by the People of the State of New York represented in Senate and Assembly*, That it shall and may be lawful for the commissioners of the land office and they are hereby required to grant letters patent to William Moulton for the like quantity of unappropriated lands in the tract set apart for the use of the line of this State serving in the army of the United States and in the same manner as has been granted to officers of the rank of lieutenant serving in the line of this State.

Letters patent to William Moulton.



## CHAP. 90.

### AN ACT concerning the salt springs in the county of Onondaga.

PASSED the 1st of April, 1797.

Survey and  
map of  
salt marsh.

*Be it enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same,* That it shall be lawful for the surveyor general of this State, and he is hereby directed and required as soon as may be after the passing of this act, to cause such part of the lands and marsh adjoining to the salt lake in the county of Onondaga as are comprehended in the following discription, to wit, of lots number eleven, twelve, thirteen, fourteen, fifteen, twenty eight, twenty nine and thirty, being part of the lots reserved by law for the use of the salt springs. And also of the lands adjoining the said lake on the north side of lots number eleven and fourteen and extending from the points where the north lines of the said lots number eleven and fourteen touch the lake, down the lake forty chains on a straight line and extending back to a distance not exceeding ten chains, to be laid out into lots not exceeding ten acres in such manner as may be most convenient and beneficial for the manufactories already, or hereafter to be erected on the lots and tracts above described; *provided* that no lot shall contain more than five acres of the marsh except such part of the tract within the description aforesaid as he may deem best suited for the site of such storehouse as is herein after directed to be erected; and to cause a map thereof to be made on which the lots shall be numbered, and to file one copy thereof in the office of the secretary of this State and another copy in the office of the clerk of the county of Onondaga keeping the original in his own office.

Lease of  
salt lots  
to salt  
manufac-  
turers.

*And be it further enacted,* That it shall be the duty of the surveyor general to attend the making of such survey in person, and that he shall as soon as may be after the survey is commenced give notice of this act to the occupier of each of the salt works already erected, and as soon as the survey is completed, it shall be lawful for the surveyor general for and in behalf of the people of this State to make and execute a lease of each of the said lots upon which there are now salt works erected, for the term of three years upon the following terms and conditions, that is to say, that for every kettle or pan now used or to be used in the manufacturing of salt on the said premises, the lessee shall cause at least ten bushells of salt to be made on the premises so leased to him, every year during the said term and pay as a rent for the same premises four cents for every bushell of salt made thereon during the said term; and if the spring or springs on any of the said lots shall yield more water from which salt can be extracted, than is sufficient for the manufactory established or to be established on such lot, it shall and may be lawful for the lessees of any adjoining lot or lots, to lead the surplus water to his or their manufactory, and if such surplus should exceed the quantity required for the manufactories on such adjoining lot or lots, the second surplus may be led to the next adjoining lots, and so successively from one lot to the other until such surplus shall be exhausted; and if any controversy shall arise in the premises, the superintendant shall interpose and determine the same between the parties in contest, and his determination shall be final and conclusive, and that such lessee, his executors, administrators or assigns

shall not at any time directly or indirectly, ask, demand or take more than sixty cents a bushell for any salt to be made on the said premises, and that no salt shall be sold on the leased premises, but all the salt made on the said premises shall by the maker or proprietor thereof be put into barrels or casks, upon each of which his name and the quantity of salt contained therein shall be branded, and then the same shall be delivered to the superintendant of the salt works at the store or stores mentioned for that purpose in this act to be by him stored therein until the same shall be sold ; and that such lessee his executors, administrators or assigns shall not cut any timber or wood on any land belonging to the people of this State for the use of the salt works or for any other purpose, except such as the said superintendant shall from time to time permit and allow ; and a clause be inserted in every such lease that in case of the breach or non performance of any of the said conditions or articles such lease shall become void.

*And be it further enacted* That if the occupier of any salt works already erected on any such lot, shall not within eight days after such map shall be filed in the office of the clerk of the county of Onondaga as aforesaid, accept and take such lease thereof as aforesaid, then it shall be lawful for the surveyor general, and he is hereby directed to lease every such lot upon the terms and conditions aforesaid to the highest bidder at a public vendue to be held as herein after mentioned, that is, to the person who will give the highest yearly rent for the same, over and above the said four cents for every bushell of salt made thereon ; and the surveyor general shall as soon as may be after the expiration of the said eight days cause a notice to be affixed up at some public place at or near the said salt springs, that at a certain day to be mentioned therein, not less than ten weeks after the date thereof, the said lots, if any, together with ten of the other lots upon which there are no salt works erected, will be leased according to the directions of this act, to the highest bidder at a public vendue at the city hall of the city of Albany ; and shall cause a copy of the same notice to be published in the news paper printed at Whites Town, and in one of the news papers printed in the city of Albany, and in the news paper printed by the printer to this State in the city of New York ; and at the day mentioned in the said notice he shall set up each of the said lots at public vendue and lease the same to the highest bidder, and make and execute leases for the same upon the terms and conditions aforesaid, with a clause for securing the payment of the additional rent yearly to the superintendant of the salt works for the time being for the use of the people of this State, but omitting in the leases of the lots upon which no salt works are erected, the provision in the clause, requiring the lessee to make a certain quantity of salt every year and inserting in stead thereof, a clause, that such lessee, his, executors, administrators or assigns shall within one year after the date of his lease, erect proper works on the premises so leased to him for making salt, and shall thereafter cause at least five hundred bushells of salt to be made at such works every year.

*And be it further enacted* That out of the surplus of marsh if any there be, the superintendant shall assign to each of the lessees, such a proportion as he in his discretion shall deem meet and proper, to be by such lessees improved for the purpose of cutting grass or sedge thereon, and for no other purposes whatsoever ; *provided always* that each lessee may cut a canal thro' any part of the marsh leading to his manufactory.

Where  
occupier  
fails to ac-  
cept lease.

Assign-  
ment of  
surplus of  
marsh.

Removal  
of property  
by former  
occupier.

*And be it further enacted,* That if any occupant of any manufactory already erected on any of the lots to be laid out agreeably to this act shall refuse or neglect to take a lease for such lot on the terms and conditions contained in this act, it shall then be lawful for such occupant to take out and remove the kettles, furniture and implements incident to the manufactory of salt; and the superintendent and surveyor general shall in every such case estimate and appraise the value of the buildings in which such manufactory has been prosecuted, and having determined the same shall certify the amount of the appraised value in favor of each of such occupant, to the comptroller of this State, who shall thereupon direct payment out of any monies in the treasury unappropriated.

Appoint-  
ment of  
superin-  
tendent of  
salt works;  
duty of;  
store-  
house.

*And be it further enacted* That a superintendant of the salt works shall be appointed by the person administering the government of this State for the time being by and with the advice and consent of the council of appointment who shall hold his office during the pleasure of the said council and who shall reside at or near the said salt springs and who shall have no interest therein, and whose duty it shall be to receive and store the salt made at the said salt works, and brand his name and the year when made on each cask, and to deliver the same to the respective owners thereof as they sell the same upon their paying to him the said rent and one cent upon each bushell for storage, always taking care to keep in store a due quantity of the salt made at each of the said works, so that there may be at least two thousand bushells in store from and after the first day of October next until the expiration of one year from the date of such lease as aforesaid, and that annually thereafter there shall be an annual increase of five hundred bushells to be kept at all times in the said store for the supply of the citizens of this State, who depend upon getting their salt from the said works, which quantity shall be composed of the salt made at the several manufactories in proportion to the number of kettles or pans employed in each separate manufactory; and if at any time in any year there shall not be daily made at the said salt works a sufficient quantity of salt for the supply of the citizen: of this State who depend upon getting their salt at the said works, then and in every such case it shall be lawfull for the said superintendant; and he is hereby required, to sell to every such citizen such quantity of the salt so reserved as may be necessary for his own use at the price aforesaid; and shall pay to the owner or owners of the salt so sold fifty five cents for every bushell so sold being at the rate of sixty cents a bushell including the said rent and storage. *Provided always* that if any such

Proviso, as  
to private  
store-  
houses.

lessee shall have a proper store of his own near the salt works he shall occupy, and shall fit and appropriate the same or some convenient part thereof for the reception and storing of the salt made by him and shall deliver the keys thereof to the said superintendant so that he may have the care & custody thereof in the same manner as of the said public store, then and in every such case, the said superintendant shall store and keep the salt made at such salt works in such store of the owner of such salt works in the same manner as in the public store, and in such case, such owner shall not be chargeable with any storage. And the said superintendant shall also from time to time direct when and what wood or timber may be cut or taken on any land belonging to this State for the use of the said salt works; and shall be allowed for his services a salary of eight hundred dollars a year and shall account with the comptroller of this State yearly for the said rent and storage and pay the ballance into the treasury for

the use of the people of this State; and the said superintendant shall annually report to the legislature a state of the works and the business connected therewith. *Provided always*, that if any person interested in any of the said salt works shall act as superintendant as aforesaid, he shall lose his office and forfeit to the people of this State five hundred dollars to be recovered by action of debt or information in the supreme court of this State with costs.

Salt manufacturer not to act as superintendent.

*And be it further enacted* That the said superintendant shall as soon as may be, cause a proper store to be built for the purpose aforesaid at the expence of this State at such place at or near the said salt springs as the surveyor general shall direct, and also a wharf for the accommodation of the said store, if in the opinion of the surveyor general the same shall be requisite; and the treasurer of this State shall advance to him not exceeding two thousand dollars for the purpose of building the said store and wharf and he shall account for the same with the comptroller.

Storehouse to be erected: appropriation.

*And be it further enacted* That at the expiration of the said leases, it shall be optional with the legislature either to take all or any or either of the said works, paying to the then owners the then true value thereof to be ascertained by proper persons to be appointed by the legislature for the purpose, or to grant a new lease to the owner upon the terms and conditions aforesaid for the further term of seven years.

Proceedings on expiration of leases.

*And be it further enacted* That if any person shall at any time after the first day of July next enter upon or occupy any part of the said salt marsh or the land adjoining the same and reserved to the use thereof without having obtained a lease for the same, it shall be the duty of the superintendant to give information thereof to the attorney general of this State, who shall thereupon cause proper suits to be commenced and prosecuted against every such person.

Illegal occupancy of salt lands.

*And be it further enacted* That the treasurer shall advance to the surveyor general, a sum not exceeding three hundred dollars to enable him to perform the duties required of him by this act, and he shall account for the same with the comptroller.

Advance to surveyor general.

## CHAP. 91.

AN ACT for raising money to pay for compleating and repairing the bridge over the Rosendal Kill in the county of Ulster.

PASSED the 8rd of April, 1797.

*Be it enacted by the People of the State of New York represented in Senate and Assembly*, That the Supervisors of the several towns in the county of Ulster, or a majority of them at their next annual meeting, shall and they are hereby authorized to direct to be raised and levied on the freeholders and inhabitants of the said county, a sum not exceeding two hundred and fifty dollars, for the compleating and repairing the bridge over the Rosendal Kill in the said county, with the additional sum of five cents on the dollar for collecting the same; which shall be raised, levied and collected in the same manner as the other necessary & contingent charges of the said county are levied and collected.

Tax levy for bridge over Rosendale creek.

How collected and applied.

*And be it further enacted* That the monies so to be raised by virtue of this act shall be paid by the several collectors of the several towns to the treasurer of the said county, and the said treasurer is hereby required and directed to pay the same to the persons appointed to superintend the building and repairing the said bridge or to the survivors of them, or their order for the purpose of discharging the accounts due for repairing the said bridge.—

Fees of treasurer.

*And be it further enacted* That it shall and may be lawful for the treasurer of the said county to retain in his hands, the sum of three cents on the dollar for his trouble in receiving and paying out the monies directed to be raised by this act.

Account by superintendents.

*And be it further enacted* That the said superintendants shall account with the supervisors of the county of Ulster for the monies by them received and expended for the purposes aforesaid, when thereunto required.

## CHAP. 92.

**AN ACT** to authorize the raising a further sum of money to complete the goal in the county of Rensselaer.

PASSED the 3rd of April, 1797.

Preamble.

**WHEREAS** the Supervisors of the county of Rensselaer have represented to this Legislature, that the sum heretofore allowed by law to be raised for building a goal in said county is altogether insufficient for the said purpose, and have prayed for a law to be made, to enable them to raise such further sum as shall be sufficient for completing said goal: Therefore

Tax levy for completing jail; when to be collected; how applied.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That the Supervisors of the several towns in the said county of Rensselaer for the time being be and they are hereby authorized and required to direct to be raised and levied on the freeholders and inhabitants of the said county a further sum of five thousand five hundred dollars, together with an additional sum of five cents on the dollar for collecting the same, and one cent on each dollar for treasurers fees, to be raised, levied and collected in the same manner, as the other necessary and contingent charges of the county are raised, levied and collected;—which said sum shall be raised, levied & collected in manner aforesaid in two equal parts; one of which parts shall be raised, levied and collected, and paid over to the treasurer of said county on or before the first day of October next, and the other part thereof before the first day of October in the year one thousand seven hundred and ninety eight; and the treasurer of said county shall pay over such money as soon as the same shall come into his hands, to the order of the commissioners by law appointed for building said goal, or the major part of them.—

Fees of treasurer.

*And be it further enacted* That it shall be lawful for the said treasurer to retain in his hands the sum of one cent on each dollar he shall so receive as a compensation to him for his trouble of receiving and paying over said monies.—

Transfer of prisoners from Albany jail.

*And be it further enacted* That so soon as the sheriff of the county of Rensselaer shall deem the said goal to be sufficiently finished, to safely keep prisoners within the same it shall and may be lawful for the said sheriff to remove the prisoners who properly belong to the

gaol of Rensselaer county from the gaol of Albany county, into the gaol of Rensselaer county, and such removal shall in no manner be construed an escape either in the sheriff of Albany or Rensselaer.

## CHAP. 93.

AN ACT to authorize the raising monies by tax in the city and county of New York, for defraying the public expences.

PASSED the 8rd of April, 1797.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That the mayor, recorder and aldermen of the city of New York, as the supervisors of the city and county of New York, or the major part of them, of whom the mayor or recorder shall be one, be and they are hereby authorized and empowered as soon as conveniently may be after the first day of May next, to order the raising a sum not exceeding eighty one thousand dollars, by a tax on the estates real and personal of the freeholders and inhabitants within the said city and county of New York, to be applied to the support and maintenance of the poor of the said city and county, the compleating of the new alms house, the making a common sewer from the new alms house, gaol and bridewell to the river, the making repairs and improvements to the gaol and bridewell, the subsisting criminal prisoners in gaol, the repairing of the public roads, and regulating and improving the streets, and the defraying the other contingent expences arising within and properly chargeable to the said city & county —

Tax levy in New York city for contingent expenses.

*And be it further enacted,* That the said mayor, recorder & aldermen of the city of New York, or the major part of them, of whom the said mayor or recorder shall be one, be and they are hereby authorized and empowered as soon as conveniently may be after the first day of May next, to order the raising a further sum not exceeding thirty one thousand five hundred dollars, by a tax on the estates real and personal of the freeholders and inhabitants within the said city on the south side of a line beginning at the outlet of the meadow of Anthony Lispernard into Hudsons river, thence to and along the north side of the dwelling house of Nicholas Bayard thence along the middle of William street to and across the Bowery lane to Bullock street, thence along the middle of Bullock street to the East river, to be applied to the payment of so many watchmen as the mayor, aldermen and commonalty of the city of New York in common council convened shall from time to time determine to be necessary for guarding the said city, the purchasing of oil, providing lamps, and repairing and attending the lamps which now are, and from time to time hereafter may be erected within the said city, the making and repairing the public wells and pumps in the said city, and the defraying the other public contingent expences of the said city arising within the limits aforesaid, and properly chargeable thereto, as the said mayor, aldermen and commonalty of the city of New York in common council convened, shall from time to time direct; which said several sums of money shall be rated and assessed according to the estate of each re-

Id., for watchmen and street lighting.

spective person so to be taxed and be collected in one payment, and paid into the hands of the treasurer or chamberlain of the said city at such time after the said first day of May next, as the said mayor recorder and aldermen, or the major part of them, of whom the said mayor or recorder shall be one, shall direct and appoint; any thing in the second section of the act entitled "An act for the more effectual collection of taxes in the city and county of New York," contained, to the contrary notwithstanding.

Fees of  
collectors  
and treas-  
urer.

*And be it further enacted* That it shall be lawful for the collectors of the first, fourth, fifth and sixth wards of the said city to retain in their hands five cents in each dollar, and for the collectors of the seventh ward of the said city to retain in their hands six cents in each dollar, and the collectors in the several other wards of the said city four cents in each dollar, and no more for their trouble in collecting and paying to the treasurer or chamberlain of the said city such sums of money, as shall be raised by virtue of this act; and that it shall be lawful for the said treasurer or chamberlain to retain in his hands, three fourths of a cent in each dollar, and no more for his trouble in receiving and paying the said monies.—

## CHAP. 94.

AN ACT making alterations in the inspections laws of the State.

PASSED the 3rd of April, 1797.

How beef  
and pork  
pickled  
and  
packed.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That from and after the passing of this act, all beef and pork shall at the time the same is repacked, at whatever season of the year the same may happen, be pickled with strong good pickle made of fresh water, and of salt not finer than Lisbon salt, and that each barrel to prevent the pickle from leaking shall be well trimmed and nailed with at least three nails on each chime hoop, and with at least three pegs on each quarter, any thing in the act passed the 7th day of March 1788 to the contrary notwithstanding—

Shingles  
shipped  
from cer-  
tain coun-  
ties.

*And be it further enacted* That from and after the first day of October next no shingles shall be exported from either of the counties of Albany, Saratoga or Rensselaer, until they shall have undergone inspection, and been admitted and marked in the manner hereinafter mentioned, by one of the inspectors already appointed or to be appointed by virtue of the act passed the 1st day of March 1788—

Size of  
shingles;  
how  
packed.

*And be it further enacted,* That all merchantable shingles shall be of the following dimensions; the first size shall be eighteen or twenty two inches in length, four inches in breadth, and three eighths of an inch in thickness; the second size shall be twenty four or twenty seven inches in length, five inches in breadth, and half an inch in thickness; and the third size shall be thirty six inches in length, five and an half inches in breadth, and five eighths of an inch in thickness, to be made of good sound rifted timber, to be packed in good bundles, each length in separate bundles, in good frames securely wedged, and containing not less than five hundred shingles in each bundle; and if any inspector upon inspection shall find that they are conformable to the dimensions of either size, he shall brand his name at full length on the frame

piece of each bundle with the number and quality of the shingles contained therein and none other.—

*And be it further enacted* That if any person shall export by water to any place south of the south bounds of the county of Albany any shingles from either of the counties aforesaid, without being previously inspected or branded as aforesaid, he shall forfeit for every bundle the sum of one dollar, to be recovered with costs of suit by any person who shall sue for the same in any court having cognizance of the same, one half to the person so suing, and the other half to the use of the poor of the town in which such recovery shall be had.—

Penalty for certain violations.

*And be it further enacted* That each inspector of shingles shall be allowed at the rate of twenty cents for every bundle he shall inspect one half to be paid by the buyer, & the other half by the seller —

Fees of inspectors of shingles.

*And be it further enacted*, That the inspectors of pot and pearl ashes, shall hereafter be allowed the sum of two cents for every hundred weight they shall inspect, in addition to the sum allowed them in and by an act passed 23d April 1784 entitled “An act to ascertain the quality of pot and pearl-ashes.—

Id.; pot and pearl ashes.

## CHAP. 95.

### AN ACT for raising monies in the city of Hudson for the support of a night watch.

PASSED the 8rd of April, 1797.

*Be it enacted by the People of the State of New York represented in Senate and Assembly*, That the mayor, recorder, aldermen and commonalty of the city of Hudson in common council convened, are hereby fully authorised and empowered to order the raising annually a sum not exceeding in any one year six hundred and twenty five dollars, by a tax on the real and personal estates of the freeholders and inhabitants in the said city of Hudson, within the limits following (viz). Beginning at the river Hudson on the north line of the farm of Thomas Jenkins, which he bought of Jacob I. Van Hosen, running easterly along the said north line to and across the main road, thence southerly along the easterly side of the said road, to and across the road leading from the city of Hudson to the town of Claverack, thence westerly along the southerly side of the said last mentioned road to the house of Ezekiel Gilbert lately occupied by John Manderville; from thence on a direct line to the mouth of Casawa-Kill, thence northwest to the most westerly bounds of the said city, thence northerly and easterly to the place of beginning; for defraying the expence attending the establishing a night watch in the said city, which money shall be raised and assessed according to the estate of each respective person so to be taxed, in the same manner as the other contingent expences of the said city are now by law directed to be assessed and be collected and paid into the hands of the chamberlain of the said city at such times as the said mayor, recorder alderman and commonalty shall from year to year direct and appoint.

Tax levy in Hudson city for a night watch.

*And be it further enacted*, That this act shall be and continue in force for five years.

Act to continue five years.



## CHAP. 96.

### AN ACT for the relief of James Blake.

PASSED the 3rd of April, 1797.

**Preamble.** WHEREAS it is represented to the legislature that James Blake late a soldier in the regiment commanded by Colonel Moses Hazen in the army of the United States, was through mistake, omitted to be returned, at the time the said regiment was disbanded, and thereby has not been able to obtain the lands which by the laws of this State he became entitled to, in consequence of his service. Therefore

**Grant of lands to James Blake.** *Be it enacted, by the People of the State of New York represented in Senate and Assembly,* That the commissioners of the land office be and they are hereby directed to enquire into the claim of the said James Blake and if they find that he is entitled to lands by any law of this State then to grant to the said James Blake, out of the unappropriated lands of this State, the proportion of land he would have been entitled to by any former law, if his name had been regularly returned.

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## CHAP. 97.

### AN ACT making provision to keep in repair the bridge over the Mohawk river below the Cahoes falls.

PASSED the 3rd of April, 1797.

**Preamble.** WHEREAS it being requisite that adequate provision should be made for keeping the bridge over the Mohawk river below the Cahoes falls in good repair. Therefore

**Rates of toll over Cahoes bridge established.** *Be it enacted by the People of the State of New York represented in Senate and Assembly* That from and after the first day of June next the following toll shall be collected from every person crossing the said bridge, vizt.

For every carriage crossing the said bridge and drawn by a single horse six cents.

For every wheel carriage or sled crossing the said bridge and drawn by two horses, mules or other working cattle the sum of eight cents

For every carriage or sled drawn by more than two horses, two mules or two other working cattle at & after the rate of two cents for each additional creature.

For a man and horse or mule the sum of four cents.

For every single horse, mare, colt or mule the sum of one cent.

For every bull, ox, cow, heifer or calf the sum of two cents.

And for sheep and hogs at & after the rate of ten cents per score.

**Duty of supervisors of Water-vliet and Halfmoon.** *And be it further enacted* That it shall and may be lawful for the supervisor of the town of Water Vliet, in the county of Albany for the time being and the supervisor of the town of Halfmoon in the county of Saratoga for the time being & they and their successors in office shall be and hereby are authorized and required to cause the said toll to be collected and the proceeds thereof to be applied as follows, that is to say, after deducting the necessary charges of collecting, and of erecting a toll house and gates for the purpose, to the making such repairs

to the said bridge from time to time as they in their discretion shall think necessary, the surplus of the proceeds of the said toll if any, after deducting the expence & charge of collecting the same, and repairing the said bridge, toll house and gates shall from time to time be applied by the said supervisors to the clearing away and removing the rock at the north-east end of the said bridge, and in repairing and amending the highways in the said counties of Albany and Saratoga, leading to & from the said bridge.

*And be it further enacted* That it shall be lawful for the said supervisors for the time being to cause a toll house to be built for the residence of the collectors of the said toll on any convenient part of the land appropriated to the highway leading to or from the said bridge, and to erect such gate or gates as they may think proper and necessary for the better collecting the said toll and from time to time to appoint a collector of the said toll upon such terms and conditions as they may think proper and to demand and take from any such collector such security as they shall deem necessary and proper and any or every such collector to displace and remove at their pleasure.

Erection  
of toll  
house.

*And be it further enacted* That the supervisor of the town of Water Vliet and the supervisor of the town of Halfmoon shall annually render an account to the comptroller of this State for the monies by them received and expended in carrying this act into effect.

Accounts  
to be rendered.

## CHAP. 98.

AN ACT to enable certain persons therein named to purchase and hold real estate within this State.

PASSED the 3rd of April, 1797.

*Be it enacted by the People of the State of New York, represented in the Senate and Assembly,* That it shall and may be lawful for Samuel Lilly, William Lilly, Charles Cruzeau, Archibald Mitchell, John Neilson, Thomas Neilson Alexander Neilson, John Mitchell, William Mitchell, John Cunningham, Jamichah Hillyer, D'Arcy Boulton, William Saunders, James Glass Luke Davis, Hector Gilchrist, George Grant, Donald McDonald, Henry Baker, James Harper, Samuel Goodwin, James Oliver, William Yates, Ebenezer Goodwin, Thomas Oliver, Joshua Wood, Peter Wood, John Wood, Joaquim Montiero, George Ramsay, Thomas Jarvis, Charles McNeil, George Rosier, John Sigismund Roulet, Jasper Parsons and Tabitha Parsons his wife Simon Laurenties and Christiana Charllottee Laurenties his wife, William Murray, Thomas Moore, Aylmer Johnson, James Daniel, George Parker, John Richmond, Thomas Vassar, James Vassar, James Vassar, Junr., James Lambert, Gilbert McClaughry, William Byron, Kemeys Shaw, Josiah Rhoads, William Kemeys and Elizabeth Kemeys his wife, William McAuley, John McAuley, Matthew McAuley, James Stone David Clark, John Thompson, John Harkness, Thomas Harkness, William Harper, Henry Harper, Samuel Harper, John Harper, John Sloan William Adams, William Jones, James Bell, John Johnston, George Gilchrist, & Henry De Lord, severally, to take and hold lands, tenements and hereditaments within this State, and respectively to have and hold the same to them, and to their respective heirs and assigns for ever, as fully to all intents and purposes, as any natural born

Persons  
named  
may hold  
real estate.

citizens may or can do, any law, usage or custom to the contrary notwithstanding.

Lands  
previously  
purchased  
not to  
escheat.

*And be it further enacted*, That no lands, tenements or hereditaments, heretofore purchased by any of the persons herein before named shall escheat or become forfeited to the people of this State, by reason or on account of such persons then being aliens, but all such lands, tenements and hereditaments shall be understood as having vested in such purchaser or purchasers, any law to the contrary heretofore notwithstanding; *provided always*, that no alienation of any lands purchased or to be purchased or held by virtue of this act, shall be good & effectual in the law, other than to a citizen or citizens of the United States.

## CHAP. 99.

AN ACT to amend an act entitled An act for the more effectual prevention of fires, and to regulate buildings in the city of New York, and to repeal and explain certain acts therein mentioned.

PASSED the 8rd of April, 1797.

Restri-  
ctions on  
buildings  
within  
certain  
limits.

*Be it enacted by the People of the State of New-York represented in Senate and Assembly*, That all dwelling houses, stores and other buildings which after the first day of July next shall be built or erected within the city of New York within that part of the said city to the northward of the point of the battery, and included between the said point of the battery and a line beginning upon the East river in a direct line from the corner of Montgomery and Cherry streets and running to the said corner of Montgomery and Cherry streets, thence down Cherry street to Pearl street, thence down Pearl street to Beeckman street, thence through Beeckman street to Chatham row, thence down Chatham row and across Broadway to Partition street, thence through Partition street across Greenwich and Washington streets to Hudsons river, including also the lots of ground on the northwardly and eastwardly sides of the said street through which the abovementioned line runs, shall be made or constructed of stone or brick with party or fire walls rising twelve inches above the roof, and shall be covered, except the flat roof thereof with tile or slate, or other safe materials against fire, and not with boards or shingles, and that the flat of any roof may be covered with boards or shingles, provided such flat do not exceed two fifth parts of the space of such roof, and that there be erected around the same flat, a substantial balcony or balustrade: *Provided nevertheless*, that all roofs, steeples, cupulos and spires of churches, and other public buildings may be covered with boards and shingles, any thing in this act to the contrary notwithstanding.

Penalty for  
violation  
of act.

*And be it further enacted* That if any dwelling house or other building whatsoever shall be erected or roofed contrary to this act, the proprietor or proprietors thereof shall for every such offence forfeit and pay the sum of two hundred and fifty dollars, and the said dwelling house or other building shall be liable to and chargeable with double taxes during so long a time as such dwelling house or other building shall so continue; and the workmen who shall build or roof such dwelling house or other building contrary to this act, shall for every such offence forfeit and pay the sum of one hundred and twenty five

dollars, which said forfeitures shall be recovered with costs of suit in any court of record within this State, by any person or persons who will sue or prosecute for the same to effect, the one moiety or half part of the same to the person or persons so prosecuting, and the other moiety when recovered to the treasurer or chamberlain of the said city for the use of the poor thereof.

## CHAP. 100.

AN ACT to encourage the destroying of wolves and panthers.

PASSED the 8rd of April, 1797.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That from and after the passing of this act every person who shall actually take and kill a wolf or wolves, panther or panthers in any of the counties of this State, shall have and receive for every wolf or panther so taken and killed the sum of ten dollars to be paid by the county treasurers respectively, as shall be directed by this act—

Bounty paid for killing wolves and panthers.

*And be it further enacted* That before any person or persons shall be entitled to receive the reward allowed by this act, he or they shall carry the head or heads of such wolf or wolves, panther or panthers, together with the entire skin thereon to any justice of the peace, or any supervisor dwelling in the county in which such wolf or wolves, panther or panthers shall have been killed and taken, and the said justice or supervisor shall be and is hereby directed, empowered and required to administer to every such person, an oath in the words following, vizt. "You do swear that the wolf or panther, the head whereof you now produce to me was taken and killed within the county of \_\_\_\_\_;" and after the taking of such oath, the said justice or supervisor shall and is hereby empowered and required to give a certificate thereof to such person or persons as having so sworn as aforesaid, and such justice or supervisor for administering such oath and giving a certificate thereof shall receive no fee or reward, and the said justice or supervisor in giving such certificate, shall therein mention the name or names of such person or persons as have so sworn, that he or they had actually taken and killed such wolf or wolves, panther or panthers within the county where the same shall by the oath aforesaid, appear to have been taken and killed; and such justice or supervisor shall cut off and destroy the ears of every such wolf or panther for which such certificate shall be granted, and such certificate being produced to the supervisors of the county, the said supervisors shall allow to such person as shall produce such certificate all such sum or sums of money as shall appear to be allowed to him by this act, and the said reward shall be a county charge, and assessed raised and levied together with the other necessary and contingent charges of the county.—

Oath to be taken by person claiming bounty; mutilation of animal.

*And be it further enacted* That the supervisors of the respective counties, in which any wolf or panther shall be killed, shall and are hereby empowered, required and directed to order the aforesaid sum or sums of money by this act become due, to be paid to the county treasurer, and the same county treasurer shall pay the same as shall be

Supervisors to raise funds to pay bounties.

ordered by the said supervisors to such person or persons, his or their assigns, as shall have taken and killed such wolf or wolves, panther or panthers.—

Indians  
and slaves.

*And be it further enacted,* That every Indian or slave who shall have actually taken and killed any wolf or wolves panther or panthers, within any of the counties of this State and shall carry the head or heads thereof with the entire skin thereon to any justice or supervisor of the county wherein such wolf or wolves, panther or panthers shall be taken and killed, and bring evidence, or give such reasons as shall be satisfactory to the said justice or supervisor, that such wolf or wolves, panther, or panthers was or were taken and killed within said county, where such justice or supervisor was appointed or chosen, then and in such case, such justice or supervisor is hereby empowered, required and directed to give a certificate to the master or mistress of such slave, or to such Indian, in the same manner and form as is herein directed to be given and such master or mistress, or Indian shall be entitled to and receive the same reward or rewards as by this act is given in such cases as aforesaid.

Act recited  
repealed.

*And be it further enacted* That the act entitled “An act to encourage the destroying of wolves and panthers” passed the 3d day of April 1790, be and the same is hereby repealed.

## CHAP. 101.

AN ACT to amend an act entitled “An act for the better settlement and relief of the poor.”

PASSED the 3rd of April, 1797.

Reports to  
be made  
to mayor of  
foreigners  
landed;  
penalty.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That every master of any ship or other vessel who shall enter the same in the custom house in the city of New York shall within twenty four hours after his arrival, make a report in writing on oath to the mayor of the said city, or in case of his sickness or absence to the recorder of the said city for the time being, of the name and occupation of every person who shall be brought into port in his said ship or other vessel, and in case of neglect the master of such ship or other vessel shall forfeit the sum of fifty dollars for every person so neglected to be reported. And if any person so neglected to be reported to the mayor or recorder of the said city as aforesaid shall be a foreigner the master of such ship or other vessel so neglecting to make report as aforesaid shall forfeit the sum of seventy five dollars for every foreigner so neglected to be reported. And if any householder shall entertain in his or her house or family any such foreigner and not report the same to the mayor or in case of his sickness or absence to the recorder of the said city for the time being within twenty four hours after he or she shall receive such foreigner into his or her house or family, he or she shall forfeit the sum of ten dollars, which said respective forfeitures shall and may be recovered by action of debt with costs of suit in any court having cognizance thereof, by any person who shall sue and prosecute for the same to effect; the one half of which forfeitures when recovered to be paid to the treasurer or chamberlain of the said city, for the use of the mayor aldermen and commonalty of the city of New York.

*And be it further enacted* That every master of any ship or other vessel who shall after the fifteenth day of May next arrive at the city of New York, with emigrants from any foreign country, he shall previous to the landing of any such emigrants, give a bond to the mayor recorder and aldermen of the said city of New York with two sufficient sureties to be approued of by the said mayor recorder and aldermen conditioned to indemnify and save harmless the said city of New York from all and every expence and charge which shall or may be incurred for the support and maintenance of any such person so imported, as the mayor or in his absence or sickness, the recorder of the said city for the time being shall deem likely to become chargeable to the said city. And if any master of any ship or other vessel shall suffer or permit any such emigrant to land previous to giving such bonds as aforesaid every such master shall forfeit and pay to the mayor, aldermen and commonalty of the city of New York the sum of five hundred dollars for each and every such person whom he shall permit or suffer to land and for whom he shall neglect or omit to give such security as aforesaid, the said penalty to be recovered by the mayor recorder and aldermen or any one of them in his own name by action of debt in any court of record in this State to be applied when recovered to the support and maintenance of the poor of the said city of New York.

Bonds to be given by masters before emigrants landed; penalty.

## CHAP. 102.

AN ACT authorizing the mayor, aldermen and commonalty of the city of Albany to raise a sum by tax for defraying the expence of lighting the lamps, and for the support of a night watch in the said city.

PASSED the 3rd of April, 1797.

WHEREAS the mayor, aldermen and commonalty of the city of Albany have by their petition requested a law authorizing them to raise the sum of eight hundred pounds for the defraying the expence of lighting lamps and for the support of a night watch in the said city; therefore

Preamble.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That it shall and may be lawful to and for the said mayor, aldermen and commonalty in common council convened, as soon as conveniently may be after the passing of this act, to order the raising a sum not exceeding two thousand dollars by a tax on the estates real and personal of all and every the freeholders and inhabitants within the said city, residing within half a mile westward of Hudsons river to be applied to the payment of so many watchmen, as the said mayor, aldermen and commonalty have employed or shall think necessary to employ for guarding the said city for one year, and for defraying the expence for one year of lighting the lamps that now are, or within the period aforesaid may be erected within the said city, which said sum shall be rated and assessed by the assessors of the said city for the time being and levied and collected in the same manner as hath heretofore been accustomed within the said city for levying and collecting the tax for the maintenance of the poor, and other contingent charges within the said city, and that the tax shall be paid into the hands of the chamberlain of the said city

Tax levy authorized in Albany city.

for the time being, to be applied and disposed of from time to time in such manner for the purposes herein before mentioned, as the said mayor, aldermen and commonalty of the said city in common council convened shall direct and appoint.—

Account  
of moneys  
to be pub-  
lished.

*And be it further enacted,* That the chamberlain of the said city for the time being, shall publish as soon as conveniently may be a state of all monies received and expended by virtue of this act, in one or more of the public news papers printed in the city of Albany.

## CHAP. 103.

AN ACT for laying out part of lot number one in the town of Hannibal in the county of Onondago into lots, and for other purposes therein mentioned.

PASSED the 3rd of April, 1797.

Lot num-  
ber one in  
town of  
Hannibal  
to be laid  
out.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That the surveyor general as soon as may be after the passing of this act shall lay out so much of lot number one in the town of Hannibal in the county of Onondaga, adjoining the Oswego river where it empties into lake Ontario as he shall think necessary and proper, not exceeding one hundred acres, into proper streets and house lots and so as to form in the most convenient place a public square or market place, all the principle streets to be one hundred feet wide and the cross streets shall be sixty feet wide, all the house lots to be laid out sixty feet front and rear and two hundred feet in depth and the lots for all public buildings to be reserved on the square.

Map to be  
made.

*And be it further enacted* That the surveyor general as soon as may be after he shall have laid out said lots as aforesaid shall make a regular descriptive map thereof the number of the lots and streets thereon, and deliver a copy thereof to the legislature at their next session, and keep one in his own office for the inspection of any person wishing to see the same.

Advertise-  
ment of  
sale.

*And be it further enacted,* That the surveyor general shall give notice of the time and place of sale of the lots of lands hereafter directed to be sold by advertisements in one of the news papers printed in the city of Albany in Whitestown in Geneva and in the news paper printed by the printer to this State at least two months previous to the day of sale.

Sale of lots  
by sur-  
veyor-  
general.

*And be it further enacted,* That it shall and may be lawful for the person administering the government of this State to reserve for public uses such and so many of the said lots as he shall judge proper, and the surveyor general after having given notice as aforesaid shall sell such and so many of the residue of the said lots as the person administering the government of this State shall approve, not exceeding thirty, by public vendue in the city of Albany and pay within forty days the monies arising therefrom into the treasury of this State. *Provided* that no such lot shall be sold for less than sixty dollars.

Purchase-  
money.

*And be it further enacted,* That one fourth of the purchase money shall be paid within forty eight hours after the time of sale, and the remaind\* in twelve months thereafter.

\* So in original.

*And be it further enacted*, That it shall be lawful for the surveyor general and he is hereby required to grant to the purchasers of lots certificates of their purchases and receipts for the money paid which certificates shall entitle them to a deed or deeds on their paying the residue of the purchase money within the time limited by this act but in case of failure in the payment of the said residue of the purchase money within the time limited by this act then the first payment is hereby declared forfeited and the person purchasing shall have no claim whatsoever and the better to enable the surveyor general to perform the duties enjoined on him by this act the treasurer of this State is hereby required to pay to him out of any money not otherwise appropriated not exceeding the sum of five hundred dollars which sum the surveyor general shall account for with the comptroller of this State.

Certificates  
of pur-  
chase.

*And be it further enacted* That so much of the said lot number one in the said town of Hannibal in the county of Onondaga as shall be laid into lots as \*as aforesaid shall be known and called for ever thereafter by the name of Oswego.

Part laid  
out to be  
known as  
Oswego.

## CHAP. 104.

AN ACT for the payment of certain officers of government, and other contingent expenses.

PASSED the 3rd of April, 1797.

I. *Be it enacted by the People of the State of New York represented in Senate and Assembly*, That the treasurer of this State shall pay on or before the first day of July next to Simeon De Witt, surveyor general of this State, the sum of twelve hundred and fifty dollars, for his services in his said office, from the first day of July last to the first day of July next. *Provided nevertheless* that the said Simeon De Witt shall account with the comptroller of this State and pay into the treasury all the fees which he may have received or shall receive as surveyor general during the time above mentioned and which have not been yet accounted for and paid.

Annual ap-  
propriation  
bill; sur-  
veyor-gen-  
eral.

II. *And be it further enacted* That the treasurer shall be and is hereby directed to pay to John Morton, printer to this State such sums of money as shall be certified by the comptroller of this State to be due to him for printing the laws and journals of the present session of the legislature and other printing business that shall appear to be done by the said John Morton, agreeable to, and in pursuance of the concurrent resolution of the legislature of the twentieth day of January one thousand seven hundred and ninety six, and of the concurrent resolution passed the present session of the legislature, and in full for his services as printer to this State from the first day of July last to the first day of July next.

State  
printer.

III. *And be it further enacted* That the said treasurer shall pay unto David Van Horne, adjutant general of the militia of this State, at and after the rate of fifteen hundred dollars, for his services in the said office from the first day of July last to the first day of July next.

Adjutant-  
general.

\* So in original.



Chaplain.

IV. *And be it further enacted*, That the said treasurer shall pay to such of the clergy as shall have attended the legislature as chaplain during the present session, the sum of two dollars and an half each for every day of their attendance for that purpose, and the sums due to them respectively shall be certified by the president of the senate, and the speaker of the assembly in like manner as for the members of the legislature.—

Canvassing committee.

V. *And be it further enacted* That the said treasurer shall pay to each member of the joint committee of the senate and assembly appointed at the present session of the legislature to canvass the ballots to be taken at the next election for senators for this State for every day they shall respectively attend, or are travelling to or from their respective places of abode for the purpose of attending on such canvass, the like compensation as is allowed by law to members of the legislature for their services during the present session.

Members and officers of the legislature.

VI. *And be it further enacted* That the treasurer of this State be, and he is hereby authorized and required to pay to the president of the senate, the speaker of the assembly, the members of the legislature and the officers belonging to each house, for their attendance at the present session the like compensation as was by law allowed to the president of the senate, the speaker of the assembly, the members of the legislature, and the officers belonging to each house at the last session, and that each officer shall be allowed compensation for travelling at the same rate as members of the legislature are allowed —

Door-keeper and messenger of council of revision.

VII. *And be it further enacted* That the door keeper and messenger to the council of revision and council of appointment shall receive the like compensation per day for his services, as is allowed in and by this act to the doorkeepers of the senate and assembly, and the said treasurer shall and he is hereby authorized and required to pay the same, on the certificate of the secretary of this State or his deputy.

Additional compensation to divers State officers.

VIII. *And be it further enacted* That from the first day of July last to the first day of July next, there shall be allowed to the several officers of government hereafter mentioned, in addition to the annual salaries now allowed them and each of them respectively in and by the said act entitled “An act for the support of government” the following sums, to wit; to the person administering the government of this State the sum of twelve hundred and fifty dollars in addition to the sum stipulated and allowed in and by the said act; to the chancellor the sum of six hundred and twenty five dollars in addition to the sum stipulated and allowed in and by the said act; to the chief justice the sum of six hundred and twenty five dollars in addition to the sum stipulated and allowed in and by the said act; to each of the other judges of the supreme court the sum of six hundred and twenty five dollars in addition to the sum stipulated and allowed in and by the said act; to the treasurer the sum of five hundred dollars in addition to the sum stipulated and allowed in and by the said act; to the secretary of the State the sum of three hundred and seventy five dollars in addition to the sum stipulated and allowed in and by the act for allowing an annual salary to the said secretary; to the private secretary of the person administering the government of this State the sum of two hundred and fifty dollars in addition to the sum stipulated and allowed in and by the said act for the support of government; all which said additional sums shall be paid by the said treasurer in manner and form as is directed in and by the said act entitled “An act for the support of government.”

IX. *And be it further enacted* That the said treasurer shall pay to Robert Hunter commissary of military stores for his services in the said office for one year, from the first day of July last to the first day of July next the sum of one hundred and twenty five dollars. Commissary of military stores.

X. *And be it further enacted* That the said treasurer shall pay to the persons nominated and appointed, and who served as electors in this State for the election of a president and vice president of the United States of America, and who met for such purpose in the month of December last at the city of Hudson, the sum of four dollars per day for every day they respectively shall and may have been engaged in the discharge of the duties required of them as electors as aforesaid and the further sum of four dollars as a compensation for every twenty miles of the distance from their respective places of residence to the city of Hudson, both for travelling to and returning from the said city of Hudson; upon the said electors respectively presenting an account specifying the said number of days and miles distance to the comptroller of this State, who is thereupon hereby authorized to give an order on the said treasurer for such sum as shall be so specified. Presidential electors.

XI. *And be it further enacted* That the treasurer of this State, pay to Jasper Hopper deputy secretary of State for his attendance at the city of Albany during the present session of the legislature, at and after the rate of two dollars for every day he shall have so attended and like compensation per day for travelling to and from his place of abode.— Deputy secretary of State.

XII. *And be it further enacted* That the said treasurer shall pay to George Lyon late deputy clerk of the house of assembly the sum of thirty dollars for two days attendance on the house of assembly in November last, and for his services then rendered as deputy clerk as aforesaid, and for travelling to and from his place of abode to the city of New York.— George Lyon.

XIII. *And be it further enacted* That the said treasurer shall pay to Ephraim Van Veghten the sum of seventy one dollars and six cents, being for his services and expences as deputy serjeant at arms, for going to and returning from the county of Tioga for the purpose of summoning witnesses to attend the committee of privileges and elections of the house of assembly, on the memorial of Benjamin Hovey, by the order and directions of the said committee. Ephraim Van Veghten.

XIV. *And be it further enacted* That the treasurer of this State shall from time to time on the warrants of the comptroller of this State, pay to the order of the board of inspectors appointed or to be appointed in pursuance of the act entitled “An act making alterations in the criminal law of this State and for erecting State prisons,” out of any monies in the treasury not otherwise appropriated the sum or sums mentioned in such warrants to be by them applied to the maintenance cloathing and support of such offenders, who have been or may hereafter be convicted of any of the offences described in the aforesaid act, and are now, or may be hereafter confined in any of the gaols of the respective cities and counties of this State, and sentenced or to be sentenced by the justices or court giving judgment upon such convictions, to imprisonment in either of the State prisons directed to be built & erected in by the aforesaid act; *provided* that such sum or sums of money shall not in the whole exceed the sum of eight thousand dollars and further that the said inspectors shall pay to the order of the supervisors of the several counties respectively for the purpose aforesaid such sums of money as the said inspectors shall judge proper on auditing the accounts of the said supervisors relative thereto. Inspectors of prisons.

Confine-  
ment of  
certain  
prisoners  
in New  
York city.

XV. *And be it further enacted* That it shall and may be lawful to and for the said board of inspectors until the State prison in the city of New York shall be built and ready for the reception of prisoners to provide such safe and secure place or places or building or buildings as the person administering the government of this State for the time being shall approve of for the reception and imprisonment of such prisoners as they shall think fit, and who are now or may hereafter be confined in the gaol of the city and county of New York, and sentenced or to be sentenced to imprisonment by virtue of the act aforesaid in the said State prison; and to defray the expences of such place or places, building or buildings, and of the safe keeping of such convicts as may be confined therein, the treasurer of this State shall from time to time on the warrants of the comptroller of this State, pay to the order of the said board of inspectors, out of any monies in the treasury not otherwise appropriated, the sum or sums mentioned in such warrants; *provided* that such sum or sums of money shall not in the whole exceed the sum of three thousand dollars.

1d.

XVI. *And be it further enacted*, That the place or places, building or buildings so to be provided as aforesaid by the said board of inspectors, until the State prison in the city of New York shall be built and ready for the reception of prisoners shall be for the purposes aforesaid considered as the State prison in the city of New York, and the sheriff of the city & county of New York is hereby required to deliver into the custody of the keeper of the State prison in the city of New York such convict or convicts so confined, or which may hereafter be confined as aforesaid in the gaol of the city and county of New York as may for that purpose of him by the said board of inspectors hereafter from time to time be requested.

Expenses  
authorized  
by certain  
concur-  
rent reso-  
lutions.

XVII. *And be it further enacted* That the treasurer of this State shall from time to time on the warrants of the comptroller of this State, pay to the order of the person administering the government of this State for the time being, out of any monies in the treasury not otherwise appropriated the sum or sums mentioned in such warrants, to be by him applied for the purposes expressed in concurrent resolutions of the senate and assembly of the third day of November last; and the said treasurer is hereby indemnified for such sums of money as have already been paid by him to the order of his excellency the governor in pursuance of the said concurrent resolutions; *provided always* that such sum or sums of money already paid in pursuance of the said concurrent resolutions, and to be paid in pursuance of this act shall not exceed in the whole the sum of five thousand dollars. —

Allow-  
ances to  
attorney-  
general  
and assist-  
ants.

XVIII. *And be it further enacted* That the additional allowance to be paid to the attorney general and the several assistant attornies general respectively for their services and expences in cases where the attorney general hath been or shall be required by the person administering the government or a judge of the supreme court, to attend any court of oyer and terminer, in pursuance of the act entitled "An act making provision for the more due and convenient conducting public prosecutions at the court of oyer and terminer and general sessions of the peace, instead of being determined by the legislature shall be audited & ascertained by the court of exchequer and paid in the same manner as the other compensation allowed by the said act to the assistant attornies general are audited, ascertained and paid; and that instead of the allowance made in and by the said act for travelling, there shall be allowed to each assistant attorney fifteen cents a mile for going to and returning from each court he shall attend. —

XIX. *And be it further enacted* That the said treasurer shall from time to time pay to the clerks of the respective counties in this State, such sum or sums of money as shall be certified by the comptroller of this State to be due to them or either of them respectively for their services and expences accrued or to accrue in and about the duties required of them in and by the act entitled "An act requiring the officers in this State to take certain oaths of office"—

County  
clerks.

XX. *And be it further enacted*, That it shall be lawful for the treasurer to pay to the person administering the government of this State for the time being, to defray the immediate charges which may arise in and about the administering the government of this State, such sum or sums as he shall from time to time by warrant under his hand and the privy seal of this State require not exceeding in the whole the sum of seven hundred & fifty dollars—

Governor,  
for incidental  
charges.

*And whereas* the senate and assembly by concurrent resolutions passed by both houses on the eleventh day of November last, while in session at the city of New York, did authorize and require the treasurer to pay unto the members of the legislature and its attendant officers, for their attendance during the meeting held at the city of New York, and for travelling to and from their respective places of abode to the said city of New York, the like compensation, as had been allowed and paid to the members of the legislature and its attendant officers at the then last session of the legislature, and that legislative provision should be made for such purpose; therefore

XXI. *Be it further enacted* That the treasurer of this State be and he is hereby indemnified for any advances made in pursuance of the foregoing concurrent resolutions, and also for any advances made by him in pursuance of the concurrent resolutions of the twentieth day of January last.—

Treasurer  
indemnified for  
certain  
advances.

*And whereas* the commissioners lately appointed to make a treaty with the St. Regis Indians engaged to the chiefs of those Indians that they would recommend to the legislature, that a compensation should be made to William Grey a white man and their interpreter who the said Indians had adopted and given a large tract of land which he gave up for the purpose of completing the said treaty. Therefore

*Be it further enacted* That the treasurer pay unto the said William Grey the sum of one thousand dollars out of any monies in the treasury not otherwise appropriated.—

William  
Grey.

*And be it further enacted* That the treasurer in addition to the sums which he hath already advanced to the commissioners appointed to examine the claims of the Stockbridge Indians and the commissioners appointed to treat with the Mohawk Indians, in consequence of concurrent resolutions of the Senate and Assembly, pay to Abraham Ten Broeck, Egbert Benson and Ezra L'Hommedieu the commissioners appointed to treat with the said Mohawk Indians the further sum of three hundred dollars to be applied by them in the execution of the several trusts and powers committed to them—

Indian  
commissioners.

*And be it further enacted*, That it shall be lawful for the treasurer, of this State on the first day of December next, out of the monies to arise from duties on goods sold at vendue to pay two thousand dollars to the chamberlain or treasurer of the city of New York to be applied to the maintenance and support of such poor in the said city as shall not have gained any settlement in this state.—

New York  
city, sup-  
port of  
poor.

*And be it further enacted* That the members of the council of appointment shall for their attendance during the recess of the legis-

Council of  
appoint-  
ment.

lature be entitled to the like allowance per day, and for travelling as by this act is allowed to the members of the legislature.—

Supreme  
court seal.

*And be it further enacted* That the said treasurer shall pay to James Fairlie clerk of the Supreme court forty dollars in full for an additional seal procured by him by the order and for the use of the said court.

Indian  
agents.

*And be it further enacted* That the said treasurer shall pay to the agents appointed by the act entitled “An act for the better support of the Oneida, Onondaga and Cayuga Indians, and for other purposes therein mentioned,” such sums of money as shall be certified by the comptroller of this State to be due to them in the execution of the duties enjoined on them by law.

# L A W S

OF THE

## STATE OF NEW YORK.

PASSED AT THE  
TWENTY-FIRST SESSION OF THE LEGISLATURE.

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### CHAP. 1.

AN ACT to amend an act entitled " An act making provisions for the more due and convenient conducting public prosecutions at the courts of Oyer and Terminer and gaol delivery and general sessions of the peace.

PASSED the 8th of January, 1798.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the city and county of New York shall, as far as relates to the managing and conducting all suits and prosecutions for crimes and offences cognizable in the court of general sessions of the peace in the said city and county of New-York, hereafter be added to, and form part of the district, composed in and by the act hereby amended, of the counties of Suffolk Queens Kings Richmond and Westchester, for all and singular the purposes directed and prescribed in and by the said act, any thing therein contained to the contrary notwithstanding.

New York  
city, public  
prosecu-  
tion in, re-  
lating to.

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### CHAP. 2.

AN ACT to encourage the writing a history of this State.

PASSED the 19th of January, 1798.

WHEREAS Samuel Miller of the city of New York, minister of the Gospel, hath in his memorial to the Legislature, set forth, that he is now engaged in collecting materials for a history of the State of New York, and in consideration thereof, hath petitioned to be exempted

Preamble.

from the fees payable by law for searching the records contained in the office of the secretary of this State, of the clerks of the supreme court, and in other public offices; *and whereas* it appears to the legislature that encouragement ought to be given to the petitioner in prosecuting and compleating so laudable a work; Therefore

Samuel Miller permitted to search records without fee.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That it shall be lawful for the said Samuel Miller to search the records, rolls and papers contained in the office of the secretary of this State, at and during the time when the office is open for business, without being chargeable with the fees required by law for making searches, and to make copies of such patents, treaties, commissions, records and public papers of any kind, or parts thereof, or such abstracts of them or any of them, as he may judge proper for compleating his history, or for proofs, illustrations, and documents connected therewith; and that it shall be lawful for the secretary of this State, and he is hereby directed, to aid the said Samuel Miller, in making searches; in the same manner to all intents and purposes, as if the said Samuel Miller was chargeable with the usual fees for the same; any thing in the "Act for regulating the fees of the several officers and ministers of justice in this State," and in the "Act for allowing an annual salary to the secretary of this State" or any other law or usage to the contrary notwithstanding.

Records of courts and counties.

*And be it further enacted,* That it shall also be lawful for the said Samuel Miller, for the purpose of collecting materials for his history, to search the records contained in the respective offices of the clerks of the supreme court of this State, and of the clerks of the counties of Albany, New York, Kings and Queen's, and of any other of the counties of this State, and make copies, translations and extracts of the same, at the usual hours of business, without the payment of fees; and the clerks of the supreme court, and of the respective counties are hereby directed to attend to the applications of the said Samuel Miller and assist his inquires in the same manner as if he had paid or was accountable for fees; any section or clause in the "Act for regulating the fees of the officers and ministers of justice" to the contrary notwithstanding.

## CHAP. 3.

AN ACT to authorize the Methodist Episcopal Church in the city of New York, to elect three additional trustees.

PASSED the 19th of January, 1798.

Preamble.

WHEREAS, The trustees for the corporation of the Methodist Episcopal church in the city of New York, have in behalf of the corporation of the said church represented to the Legislature, that the great increase of the said congregation requires an additional number of trustees to transact the business relative to the temporalities of said church: Therefore

Trustees of Methodist Episcopal church in New York city.

*Be it enacted by the people of the State of New York, represented in Senate and Assembly,* That the said corporation be, and they are hereby authorized to elect at their next annual election, three additional trustees, which additional trustees shall be divided by lot into three classes, in the manner prescribed in and by the act entitled "An act to enable all the religious denominations in this State, to appoint

trustees, who shall be a body corporate for the purposes of taking care of the temporalities of their respective congregations, and for other purposes therein mentioned," and that every succeeding annual or other election thereafter shall be conducted in like manner and with like effect, as if the trustees originally nominated and appointed, and named in the certificate of incorporation had consisted of nine persons.

## CHAP. 4.

AN ACT constituting a commissioner in the city of New York, to do certain acts appertaining to the office of chancellor and a judge of the supreme court, & for other purposes therein mentioned.

PASSED the 26th of January, 1788.

For preventing the inconvenience which might otherwise arise by reason of the absence of the Chancellor and all the Judges of the Supreme Court from the city of New York.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That the recorder of the city of New York for the time being, shall be, ex officio, a commissioner, equally authorized and required with a judge of the supreme court to do and execute the acts, powers and trusts which such judge is authorized and required to do and execute, in and by the statute for relief against absconding and absent debtors, passed the 4th day of April, 1786, the statute for the better preserving the liberty of the citizens of this State, and for prevention of imprisonments, passed the 21st day of February, 1787, and the statute for giving relief in cases of insolvency, passed, the 21st day of March, 1788; and further, in respect to suits and proceedings in the said court, to do and execute every such act, power and trust (except taxing costs and signing judgment-rolls) which according to the practice of the said court, a judge may do and execute out of court.

Recorder of New York city empowered to execute certain powers and trusts.

*And be it further enacted,* That whenever upon the application of an insolvent debtor or his creditors, day shall have been, or hereafter may be given, by a judge of the supreme court or the chancellor, to attend in the city of New York, that in case of the death, sickness or absence of the chancellor or judge, the said commissioner shall and may discharge the duties required by the said last mentioned act, in the like manner as might have been done by the said chancellor or judge.

Applications of insolvent debtors and creditors.

*And be it further enacted,* That in future, all costs and judgment-rolls in the supreme court, may be respectively taxed and signed by one of the clerks of the said court.

Costs may be taxed by clerk.

*And be it further enacted,* That the said commissioner and the said clerks shall be severally allowed for their respective services as aforesaid, the like fees which by the statute for regulating the fees of the several officers and ministers of justice within this State, passed the 18th day of February, 1789, are allowed to the judges of the supreme court.

Fees of commissioners and clerks.



## CHAP. 5.

### AN ACT for dividing the town of Willsborough in the county of Clinton.

PASSED the 26th of January, 1798.

Jay, town  
of, erected.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That from and after the first Monday of April next, all that part of the town of Willsborough, in the county of Clinton, within the following bounds, to wit, beginning where the military line intersects the south line of Willsborough, then north to the twelve mile tree, then north forty five degrees east to the south line of Peru, then west to the south west corner of said town of Peru, then south to the north west corner of the town of Crownpoint, then east to the place of beginning, be, and hereby is erected into a separate town by the name of Jay, and the first town meeting shall be held at the house of John W. Southmaid.

Willsbor-  
ough.

*And be it further enacted,* That all the remaining part of the town of Willsborough shall be and remain a separate town by the name of Willsborough; and the first town meeting in the said town of Willsborough shall be held at the dwelling house of Daniel Shelden in said town.

Powers,  
etc., of  
towns.

*And be it further enacted,* That the freeholders and inhabitants of the said towns shall be entitled to all the privileges, and be subject to all the penalties which the freeholders and inhabitants of the other towns in this State are subject to by law.

Division of  
the poor.

*And be it further enacted,* That as soon as may be after the first Tuesday of April next, the overseers of the poor, and the supervisors of the said town shall, after due notice being given for that purpose by the supervisors of the said towns, meet together and apportion the money and poor belonging to the said town of Willsborough, previous to the division thereof, in as equitable a manner as may be; and in case the supervisors and overseers of the poor cannot agree in the division of the money, and poor as aforesaid, then the supervisors of the county of Clinton at their annual meeting shall make such division of the money and poor aforesaid as shall appear most equitable to the major part of them.

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## CHAP. 6.

### AN ACT concerning the great seal of this State.

PASSED the 26th of January, 1798.

Great seal  
of the  
State, con-  
cerning.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That it shall and may be lawful for the comptroller, surveyor general and attorney general of this State, or any two of them, to view and examine the great seal of this State, and to cause it to be repaired or a new great seal to be made instead thereof, after such model plan and device as they or any two of them shall judge proper and expedient. And in case they shall think proper to have a new great seal made, then

they shall deliver the same when completed, to the person administering the government of this State for the time being, who shall thereupon deliver the present great seal of this State to them, and they shall cause the same to be broken and melted in their presence, and then dispose of the metal thereof for the benefit of this State; and such new great seal shall be used and considered as the great seal of this State from the time of the delivery thereof as aforesaid; and in case they shall determine to cause the present great seal to be repaired, then the person administering the government of this State for the time being, shall deliver the same to them for that purpose; and if they shall cause a new great seal to be made, they shall cause description thereof in writing, to be delivered to the secretary of this State, who shall file and record the same in his office.

## CHAP. 7.

AN ACT concerning the charter to the minister elders and deacons of the Reformed Protestant Dutch Church in the city of Albany.

PASSED the 2d of February, 1798.

WHEREAS the ministers elders and deacons of the Reformed Protestant Dutch church in the city of Albany, have by their petition to the legislature, set forth, — That they, their predecessors and the other inhabitants of the city of Albany, communicants or members of the Reformed Protestant Dutch church or congregation in the said city were incorporated by letters patent or charter under the great seal of this State, while a colony, bearing date the tenth day of August, one thousand seven hundred and twenty. That by the said charter it is granted, that the minister elders and deacons for the time being, shall be the consistory of the said church, and altho' it is afterwards therein granted, that it should and might be in the power of the consistory to call more than one minister to officiate in the said church, and that there should be no pre-eminency or superiority in that office, and not otherwise; yet, that doubts have arisen, whether in case of a plurality of ministers, more than one of them can at the same time be a member of the consistory. That the said charter is also unprovisional in respect to a right or power, to elect a greater number than four elders and four deacons. That it hath been requisite for some time past to have two ministers to officiate in the said church and the congregation hath so increased, that an additional church or place of public worship hath lately been erected, whereby the necessity of more than one minister, and of increasing the number of elders and deacons, may be deemed as having become indispensable. Therefore,

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That for removing the said doubts in case of a plurality of ministers in the said church or congregation, only the minister who shall at any time preside in the consistory of the said church or congregation, shall for the time being, be considered a member of the said consistory, but that they shall severally be president of the said consistory, by turns, in such manner as shall be ordained by rules or orders to be from time to time made by the consistory in that behalf. *Provided always* that nothing in this act contained, shall be

Ministers  
of Re-  
formed-  
Protestant  
Dutch  
Church of  
Albany;  
consistory.

construed to abridge the powers and privileges of any of the said ministers respecting the exercise of Christian discipline in the said church, according to the rules of church government, ratified in the synod of Dordrecht in the years 1618, and 1619, and adopted by the general synod of the Reformed Protestant Dutch church in New York on the tenth day of October, 1792.

Additional  
elders and  
deacons to  
be chosen.

*And be it further enacted,* That in future, four elders and four deacons of the said church or congregation, in addition to the present number may be elected equally as if it had been originally granted by the said charter, that eight elders and eight deacons might have been elected, and that the two elders and two deacons, who shall be first in nomination in the minute or vote of the consistory of the first election of the said additional four elders and four deacons, shall be the two elders and two deacons in whose places two new elders and two new deacons shall be chosen at the then next anniversary election.

Consistory,  
who to  
form.

*And be it further enacted,* That four elders and four deacons together with the president for the time being, shall form a consistory to transact business; and in case the minister whose turn it shall be to preside at any meeting of the consistory, shall neglect or be unable to attend such meeting, it shall and may be lawful for any other minister of the said church or congregation or in case all the ministers shall be absent, for the senior elder of the consistory to preside at such meeting. *Provided always,* that when a senior elder shall so preside, four elders and four deacons, exclusive of the president, shall be requisite to form a consistory.

## CHAP. 8.

AN ACT authorizing the use of paper instead of parchment in certain legal proceedings.

PASSED the 5th of February, 1798.

Preamble.

WHEREAS it is deemed essential to the validity of certain proceedings in the supreme court and the court of chancery, that they should be engrossed on parchment. Therefore,

Paper may  
be used in-  
stead of  
parchment

*Be it enacted by the people of the State of New York, represented in Senate and Assembly,* That hereafter it shall and may be lawful to use paper instead of parchment, in all proceedings in the supreme court and the court of chancery, except as to the processes of the said court respectively.

Allowance  
for en-  
gross-  
ments.

*And be it further enacted,* That in the taxation of costs on proceedings in the said courts, the like allowances shall be made for engrossments on paper as are now allowed for engrossments on parchments.

## CHAP. 9.

AN ACT making a temporary disposition of the property now in the treasury of this State.

PASSED the 9th of February, 1798.

Preamble.

WHEREAS Gerard Bancker hath resigned the office of treasurer of this State and his resignation hath been accepted, and whereas a new

arrangement of the treasury is under consideration and much time may elapse before the same can be matured and effected, and whereas it is not reasonable that the responsibility of the said Gerard Bancker and of his sureties should be continued longer than may be necessary. Therefore,

*Be it enacted by the people of the State of New York represented in Senate and Assembly* That Richard Varick Henry Rutgers and Daniel McCormick be and they are hereby appointed and fully authorized to make in concurrence with the said Gerard Bancker or some person on his behalf such a list or inventories of the monies, books, and other public property in and belonging to the treasury as they may think proper and necessary, that they deliver one copy of the said list signed by them and by the said Gerard Bancker or by the person who shall act on his behalf to the comptroller of this State and one other copy so signed to the said Gerard Bancker, one other copy so signed to the bank of New York and that they retain in their own hands one other copy so signed that they do in the presence of the said Gerard Bancker or of the person who shall act on his behalf and of each other place all the said monies books and property in a proper chest or chests properly secured and covered with papers over the locks sealed with their seals and seal of the said Gerard Bancker or the person who shall act on his behalf and signed with all their names and that they do then deposit such of them as they may think necessary in the bank of New York to be kept in the said bank until the legislature shall by law take further order concerning the same.

Committee to inventory public property turned over by Gerard Bancker, late treasurer, and to deposit same in bank of New York.

## CHAP. 10.

AN ACT relative to the records of the town of Brooklyn in Kings county.

PASSED the 9th of February, 1798.

WHEREAS it is represented to the legislature, that during the late war, the records of the said town were destroyed, but that many parts of the same relating to roads and highways are to be found on the records of said county, the registering of which in the books of the clerk of said town, and being made part of the records thereof would be very convenient to the inhabitants of said town. Therefore

*Be it enacted by the people of the State of New York represented in Senate and Assembly*, That all copies and abstracts of records, taken from the records of the said county relative to roads and highways in the said town of Brooklyn examined and certified to be true copies by the clerks of the said county, and registered by the clerks of the said town, in a book to be provided by him for that purpose, shall be deemed to be the records of the said town, and of the same validity as the original records remaining in the office of the clerk of the said county.

Records of the town of Brooklyn, what deemed to be.

## CHAP. 11.

### AN ACT for dividing the town of Crown-point.

PASSED the 12th of February, 1798.

Elizabeth-  
town, town  
of, erected.

*Be it enacted by the people of the State of New York represented in Senate and Assembly,* That from and after the first Monday of April next, all that part of the town of Crown-point in the county of Clinton, within the following bounds, to wit, beginning at the north east corner of a tract of land which was granted to Major Small, and then west along the north line of the said patent, and to continue in the same direction to the west bounds of the county, then north to the south line of the town of Jay, then east along the south line of the town of Jay and the town of Willsborough to the east line of the county of Clinton, then southerly along the east line of the said county to a due east point from the place of beginning, and then west to the place of beginning shall be and hereby is erected into a separate town by the name of Elizabeth-Town and the first town meeting shall be held at the dwelling house of David Calender in the said town.

Crown  
point

*And be it further enacted,* That all the remaining part of the town of Crown-point, shall be and remain a separate town by the name of Crown-point, and the first town meeting shall be held at the dwelling house of Alexander Hay in the said town.

Powers,  
etc., of  
towns.

*And be it further enacted,* That the freeholders and inhabitants of the said town shall be entitled to all the privileges, and be subject to all the penalties which the freeholders and inhabitants of the other towns in this State are entitled and subject to by law.

Division of  
the poor.

*And be it further enacted,* That as soon as may be after the first Tuesday of April next, the overseers of the poor and the supervisors of the said town, shall after due notice being given for that purpose by the supervisors of the said town, meet together and apportion the money and poor belonging to the said town of Crown-point previous to the division thereof, in as equitable a manner as may be, and in case the supervisors and overseers of the poor cannot agree in the division of the money and poor as aforesaid, then the supervisors of the county of Clinton at their annual meeting shall make such division of the money and poor aforesaid as shall appear most equitable to the supervisors or a major part of them.

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## CHAP. 12.

### AN ACT to amend the act entitled "An act to settle disputes concerning the titles to lands in the county of Onondaga.

PASSED the 12th of February, 1798.

Commission-  
sion to  
take testi-  
mony of  
witnesses  
residing  
out of the  
State.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That in case it shall appear by suggestion or otherwise to the commissioners appointed by and in pursuance of the said act, that a material witness in any claim or controversy already exhibited and depending, or which shall hereafter be exhibited and de-

pending, resides out of this State, it shall and may be lawful for the said commissioners, or any two of them, at the expence of the person applying for the benefit of such testimony, under their hands and seals, to authorize such person or persons, as they shall think fit, to examine such witness, upon interrogatories, to be allowed by such commissioners; and that the examination and all subsequent proceedings, shall be conducted in the manner prescribed in the act entitled "An act for the further amendment of the law."

*And be it further enacted*, That it shall be lawful for the person administering the government of this State for the time being, by and with the advice and consent of the council of appointment, to nominate and appoint some proper person as clerk to the said commissioners, who shall hold his office during the pleasure of the said council, and that the person so appointed shall receive as a compensation for his services, at and after the rate of three dollars for each day he shall actually be employed in the business appertaining to his office; and his account, and also those of the commissioners aforesaid, shall from time to time, be audited by the comptroller of this State, who is hereby authorized to pay such accounts, and to draw his warrant upon the treasurer, for the payment thereof.

Clerk of commissioners to be appointed by the governor.

*And be it further enacted* That the said commissioners may cause the advertisements to be issued by them, to be inserted in such and so many of the news papers published in the city of New York as to them shall seem fit, and also, that it shall not be requisite for the said commissioners to receive or determine any claim, or controversy respecting any of the lands lying within the late Cayuga and Onondaga reservations.

Advertisements, where to be inserted.

*And be it further enacted* That it shall be lawful, and is hereby made the duty of the clerk of the county of Onondaga to deliver to the said commissioners, or any of them, or to such other person or persons as they shall appoint for that purpose, such deeds, conveyances, papers and records as shall from time to time be demanded from him, which deeds, conveyances, papers and records shall be returned to the said clerk; and also that the said commissioners and each of them shall have free access to the office of the said clerk, and to all other public offices of the State, and to all the deeds conveyances, papers and records therein contained, as long as they shall continue to exercise the duties required of them as commissioners.

Records of Onondaga county, commissioners to have free access to.

*And be it further enacted* That no deed, conveyance or instrument in writing, executed on or before the first day of May last, relating to any lands in the county of Onondaga, shall hereafter be registered or recorded, unless the same be acknowledged or proved in the manner directed by the act entitled "An act relative to the acknowledgment of deeds" passed the 11th of February, 1797" any thing in the said act to the contrary notwithstanding.

Acknowledgment of deeds executed prior to May, 1797.

## CHAP. 13.

AN ACT concerning the auditing and allowance of certain public accounts.

PASSED the 16th of February, 1798.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly*, That the comptroller of this State shall be and he hereby is authorized and directed to give order on the treasurer in

Contingent expenses of the Legislature.

ture, how  
audited.

favor of the clerks of the Senate and Assembly for the payment of such sum or sums of money for the contingent expences of the two houses as may from time to time during the sessions of the Legislature be certified to be necessary by the president of the senate and speaker of the assembly respectively; and such accounts with the vouchers for the same shall be examined and audited by the president and speaker in the eventual settlement of the contingent expences of the two houses of the legislature respectively.

Treasurer  
to pay  
moneys  
only on  
order of  
comptrol-  
ler.

*And be it further enacted*, That in all cases where the treasurer is directed to pay any monies out of the treasury of this State, it shall be understood to be on the order of the comptroller, and such monies shall not be paid without such order.

## CHAP. 14.

AN ACT to vest certain powers in the freeholders and inhabitants of the villages of Troy and Lansingburgh, and for other purposes therein mentioned.

PASSED the 16th day of February, 1798.

Preamble.

WHEREAS it has been represented to the legislature by the inhabitants of Troy and Lansingburgh, that the existing laws made in their behalf are too uncertain and restricted to answer the end of enabling them to regulate their interior police. Therefore,

Lansing-  
burgh, vil-  
lage of,  
bound-  
aries.

*Be it enacted by the people of the State of New York, represented in Senate and Assembly*, That the district of country contained within the following bounds, to wit, beginning at a point in the division line between the counties of Albany and Rensselaer opposite the mouth of the creek on which John D. Vanderheyden's mill now stands, from thence running on a line due east to the foot of the first range of hills thence northerly on a line along the foot of the said first range of hills until said line strikes the north bounds of the said farm to the division line between the counties of Rensselaer and Saratoga thence along the westerly line of the said county of Rensselaer to the place of beginning, and that the district of country contained within the above limits heretofore supposed to be that part of the town of Troy commonly called Lansingburgh shall hereafter be known and distinguished by the name of the village of Lansingburgh and the freeholders who may from time to time reside within the aforesaid limits may on the third Tuesday of May next meet at some proper place by any justice of the peace within said village to be appointed and notified to the inhabitants thereof, at least one week previous to the said third Tuesday and then and there proceed to choose five discreet freeholders resident within said village to be trustees thereof who when chosen shall possess the several powers and rights hereinafter specified and such justice shall preside at such meeting and shall declare the several persons having a majority of votes as duly chosen trustees, and on every third Tuesday in May after the first election of trustees there shall in like manner be a new election of trustees for said village and the trustees for the time being shall perform the several duties herein required from such justice in respect of notifying the meeting of the freeholders of the said village and presiding at such election.

Election of  
trustees.

Powers  
and priv-  
ileges of

*And be it further enacted* That all the freeholders residing within the aforesaid limits be and they are hereby ordained constituted

and declared to be from time to time, and for ever hereafter one body politic and corporate in fact and in name, by the name of the "trustees of the village of Lansingburgh," and by that name they and their successors forever shall and may have perpetual succession and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever in all manner of actions, complaints and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at pleasure; and shall be in law capable of purchasing, holding and conveying any estate real or personal for the public use of said village, and of erecting public buildings such as fire engine house or houses, a school house or houses, a market house or houses, of raising money by tax for erecting those public buildings, or making any other necessary improvements, which money so to be raised, shall be assessed upon the freeholders & inhabitants of said village in proportion to their several property or ability by three judicious assessors, to be by the freeholders and inhabitants of said village, qualified to vote at town meetings, chosen at their annual meetings, and collected by the collector of the corporation in the same manner as the taxes of towns and counties are collected by virtue of a warrant to him directed signed by a majority of the trustees: *Provided nevertheless* that no tax shall be levied, or monies raised, assessed or collected for erecting public buildings or making any other necessary improvements, no purchase or sale of any real estate, no public building erected or disposed of without the consent of the freeholders, and the legal voters of said village of Lansingburgh, or the major part thereof in open meeting duly notified therein assented to and voted.

And be it further enacted that it shall and may be lawful for the trustees of the village of Lansingburgh, or the major part of them by this act to be chosen, and for their successors in office forever, from and after the third Tuesday in May next, to make, ordain, constitute, and publish such prudential bye laws, rules and regulations as they from time to time shall deem meet and proper, and such in particular as are relative to public markets, within said village of Lansingburgh, relative to the streets, alleys and highways of said village, draining, filling up, paving, keeping in order and improving the same, relative to slaughter houses and nuisances generally, relative to the establishing, regulating and ordering their fire company, ordering and procuring fire buckets fire utensils and guarding against fire generally, relative to a town watch, and lighting the streets of said village, relative to the number of taverns or inns to be licensed, relative to the restraining geese, swine, or cattle of any kind, relative to the better improving their commonable lands, and relative to any thing whatsoever that may concern the police and good government of the said village; but no such bye laws shall extend to the regulating or ascertaining the prices of any commodity or articles of provisions that may be offered for sale; provided also that such bye laws be not contrary to or inconsistent with the laws and statutes of this State or of the United States; and that the said trustees or the major part of them as often as they shall make, ordain and publish any such bye laws for the purposes aforesaid, may make, ordain, limit and provide such reasonable fines against the offenders of such laws, they may think proper, the same not exceeding twenty-five dollars for any one offence, to be prosecuted and recovered before any justice of the peace

fa., of  
trustees.



or court of record having cognizance of the same, by and for the use of the trustees of the said village of Lansingburgh.

Other vil-  
lage offi-  
cers.

*And be it further enacted,* That the freeholders and inhabitants of the said village of Lansingburgh qualified to vote at town meetings, at their annual meetings in every year hereafter to be held for choosing trustees or at any other meeting duly notified, shall and they are hereby authorized and empowered to choose three judicious inhabitants being freeholders as assessors, one treasurer, one collector, and as many fire wardens as the trustees for the time being or the major part thereof may order and direct.

Oath of  
office to  
be taken

*And be it further enacted,* That the treasurer, collector, assessors and fire wardens shall after such election and before they proceed to the exercise of their several offices, respectively take and subscribe an oath or affirmation before any justice of the peace in said village or county of Rensselaer, for the faithful execution of the office to which they may be severally chosen and elected.

Bonds of  
treasurer  
and collec-  
tor.

*And be it further enacted,* That the treasurer and collector, hereafter to be elected, shall before they enter upon the execution of their respective offices, respectively give such security for the faithful performance of the trusts reposed in them, as the major part of the trustees for the time being shall deem sufficient.

Penalty for  
refusal to  
accept  
office.

*And be it further enacted,* That if any one of the inhabitants of the village of Lansingburgh qualified as aforesaid, shall hereafter be elected or chosen trustee, or to the office of assessor or fire warden, and having notice of his said election, shall refuse, deny, delay or neglect to take upon him or them to execute such office to which he or they shall be elected, then and so often as it shall happen, it shall and may be lawful for the trustees for the time being or the major part of them, to assess and impose upon every such person or persons, so neglecting, delaying or refusing such reasonable fine or fines, such sum or sums of money as they the said trustees or a major part of them may think fit, so as such fine for each refusal, denial, delay or neglect shall not exceed the sum of twenty five dollars; all which said fines shall and may be recovered, by action of debt, before any justice of the peace in said village or court of record having cognizance of the same, to be prosecuted, recovered and received by and to the use of the said trustees, freeholders and inhabitants of said village of Lansingburgh.

*And whereas* it is necessary for the good government of said village of Lansingburgh, that it should be more particularly the business of some one of the trustees of said village to attend to its more immediate concerns. Therefore

Trustees,  
powers and  
duties of.

*Be it further enacted,* That the trustees within five days after their being elected in every year hereafter or the major part of them shall and it is hereby made their duty to assemble in some convenient place in said village, and there to choose and appoint some one suitable person of their body to be president of the said board of trustees, whose duty it shall be when present to preside at the meeting of the trustees, to order extraordinary meetings of the trustees whenever he may find it for the interest of the village so to do; to receive complaints of the breach of any of the bye-laws; to see that all the bye-laws, rules and ordinances are faithfully executed, and prosecute in the name of the trustees, all offenders against such bye-laws; to receive and lay before the trustees the returns of the fire wardens, and who with the consent of the major part of the trustees shall appoint under his hand and the seal of the said village, the company of firemen, to inspect the

utensils belonging to the said village suitably and properly taken care of and kept in order, and to do all such other acts and things as may be proper for him as president of the board of trustees to do.

*And be it further enacted,* That the collector, treasurer and assessors shall be paid for their several services, such suitable compensation as the legal voters of said corporation or a majority of them at their annual meetings shall deem reasonable and proper. Pay of village officers.

*And be it further enacted,* That the district of country described in a certain law of this State made and passed the twenty fifth day of March one thousand seven hundred and ninety four as the village of Troy be hereafter known and distinguished by the name of the village of Troy; and that the freeholders and inhabitants who may from time to time reside in said village, shall be a corporation by the name and style of "The Trustees of the Village of Troy," and shall have the same rights, privileges, powers and immunities as by this act are given to the corporation of the village of Lansingburgh; subject however to the same regulations, restrictions, orders and provisions. Village of Troy.

*And be it further enacted,* That the several companies of firemen who may by this act at any time hereafter be appointed within said villages or corporations, and each and every of said firemen shall be excepted and wholly free from serving as jurymen or in the militia of this State except in cases of the actual invasion of this State or in insurrections therein, provided that the number of firemen in each village do not exceed twenty, *provided always* that it shall not be lawful for either of the said corporations hereby created to purchase or hold any real estate whatsoever not laying or being within the limits of their respective corporations. Firemen, exemptions of.

*And be it further enacted,* That it shall and may be lawful for the trustees appointed by the act entitled "An act to enable the freeholders and inhabitants of part of the town of Water Vliet to elect trustees for the purposes therein mentioned," and their successors in office to make such prudential rules orders and regulations as they the said trustees or a majority of them shall deem proper for regulating cleansing, paving and repairing the streets and doing all and singular such act or acts as the freeholders and inhabitants might do by the act aforesaid. *Provided always* that the powers hereby given to the trustees aforesaid shall be exercised only when the freeholders and inhabitants neglect or refuse to make the regulations contemplated by the the act aforesaid. Colonie, duty of trustees of, in regard to streets.

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## CHAP. 15.

**AN ACT** to authorise the raising a sum of money, to build a gaol in the county of Ontario.

PASSED the 22d of February, 1798.

*Be it enacted by the People of State of New York, represented in Senate and Assembly,* That the supervisors of the several towns in the county of Ontario for the time being, be and they are hereby authorized, if in their opinion, or of a majority of them, the same be deemed necessary, to direct to be raised and levied on the freeholders and inhabitants of the said county, a sum not exceeding three thousand dollars, together with an additional sum of five cents on the dollar for Ontario county, tax for jail.

collecting the same, and one cent on each dollar for treasurers fees, to be raised, levied and collected in the same manner as the other necessary and contingent charges of the same county are raised levied and collected which said sum shall be raised levied and collected in manner aforesaid in two equal parts, one of which shall be raised levied and collected and paid over to the treasurer of the said county on or before the first day of February next and the other part thereof on or before the first day of February in the year one thousand seven hundred and ninety nine; and the treasurer of the said county shall pay over such money as soon as the same shall come into his hands, to such person or persons as the said supervisors shall appoint to superintend the building of the said gaol.

Fees of  
treasurer.

*And be it further enacted,* That it shall be lawful for the treasurer to retain in his hands, one cent on each dollar he shall receive, as a compensation to him for his trouble in receiving and paying over the said monies.

Where jail  
to be  
built.

*And be it further enacted,* That the said gaol shall be built as near as may be to the court house in the town of Canadarqua, as the said supervisors shall designate for that purpose; and that as soon as the sheriff of the county of Ontario shall deem the said gaol to be sufficiently finished, to safely keep prisoners within the same, it shall and may be lawful for the said sheriff to remove the prisoners who shall then be in his custody, from the present into the said gaol, and such removal shall in no manner be construed an escape.

## CHAP. 16.

### AN ACT for dividing the county of Orange.

PASSED the 23d of February, 1798

Orange  
county,  
bounds  
of.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That all that tract of land in the county of Orange, lying northward of a line, beginning at the mouth of Poplopens-kill in Hudson's river and running from thence on a direct course to the southeastermost corner of the farm of Stephen Slood, and then along the south bounds of his farm, to the south west corner thereof, and then on the same course to the bounds of the State of New Jersey, shall be and hereby is erected into a separate county, and shall be called and known by the name of Orange.

Rockland  
county  
erected.

*And be it further enacted,* That all that part of the said county of Orange lying southward of the above described line, shall be erected into a separate county, and be called and known by the name of Rockland.

Courts in  
Rockland  
county.

*And be it further enacted,* That there shall be held in and for each of the said counties, a court of common pleas, and a court of general sessions of the peace and that there shall be two terms of the said courts in the said county of Rockland in every year, to commence and end as follows, that is to say; the first of the said courts shall begin on the first Tuesday in May, and may continue to be held until the Saturday following inclusive; and the second term of the same courts shall begin on the first Tuesday in November and may continue to be held until the Saturday following inclusive; and that there shall be three terms of the said courts in the said county of Orange in every

year, to commence and end as follows, that is to say, the first of the said courts shall begin on the second Tuesday of May, and may continue to be held until the Saturday following inclusive; the second term of the same courts shall begin on the first Tuesday in October, and may continue to be held until the Saturday following inclusive; and the third term of the same courts shall begin on the second Tuesday in February, and may continue to be held until the Saturday following inclusive. And the said courts of common pleas and general sessions of the peace shall have the same jurisdiction powers and authorities in the same courts respectively, as the courts of common pleas and general sessions of the peace in the other counties of this State have in their respective counties. *Provided always*, that nothing in this act contained shall be construed to affect any suit or action already commenced or that shall be commenced before the first Tuesday of April next so as to work a wrong or prejudice to any of the parties therein, or to affect any criminal or other proceedings on the part of the people of this State; but all such civil or criminal proceedings, shall and may be prosecuted to trial, judgment and execution as if this act had never been passed.

Id., Orange county.

*And be it further enacted*, That from and after the passing of this act, it shall and may be lawful for the said county of Rockland to choose one member of assembly and the said county of Orange two members and no more, any law to the contrary thereof notwithstanding.

One assemblyman from Rockland.

*And be it further enacted*, That all losses and deficiencies which may happen on any mortgage of any lands, tenements or hereditaments situated in the said county of Rockland, taken by virtue of the act entitled "An act for emitting the sum of two hundred thousand pounds in bills of credit for the purposes therein mentioned" and also by virtue of the act entitled "An act for loaning monies belonging to this State" shall be borne by the same county of Rockland; and the supervisors of the said county shall cause the same to be raised in the same county, and paid to the loan officers of the county of Orange appointed by virtue of the said acts; and all losses and deficiencies which may happen on any mortgage of any lands, tenements or hereditaments situated in the county of Orange, as now limited taken by virtue of the said acts, shall be borne and raised in and by the said county of Orange.

Losses on public loans in Rockland county.

*And be it further enacted*, That it shall and may be lawful for the supervisors of the counties of Orange and Rockland, at each and every of their annual meetings in their respective counties, to appoint two or more of their supervisors of the respective counties (whose duty it shall be) to attend at any of the meetings directed by the said acts for inspecting and examining the mortgages, minutes and accounts of the loan officers appointed in the county of Orange under the acts aforesaid. And that one of the judges and the supervisors so nominated and appointed as aforesaid of each respective county, or a majority of them, shall be sufficient for the purposes in the said acts mentioned, any law to the contrary thereof in any wise notwithstanding.

Supervisors to attend meetings to examine mortgages.

*And be it further enacted*, That for the more convenient attendance of the said judges and the supervisors of the counties aforesaid for the purposes in the last preceding clause mentioned, instead of meeting at the court houses on the north and south side of the mountains alternately, on the first Tuesday in October, as directed by the two

Where to meet.

acts aforesaid, it shall be lawful, and the said judges and supervisors are hereby required to meet at the house of Stephen Slood in the Clove any law to the contrary thereof notwithstanding.

Penalty for  
non-at-  
tendance.

*And be it further enacted*, That the supervisors so nominated and appointed as aforesaid, in case of their non-attendance, shall be subject to the like penalties as in and by the said acts last mentioned they are made liable to respectively. And it shall and may be lawful for the judges who shall attend, and it is hereby declared sufficient for the judges aforesaid to cause the supervisors so nominated, to be summoned in manner as is directed in and by the two acts aforesaid, and under the like penalties; and a majority of the supervisors and one of the judges of the counties of Orange and Rockland aforesaid, to do and perform every act and thing relating to the examining and settling the accounts of the old and new loan officers respectively of the said county of Orange, as fully and effectually to all intents and purposes as if the whole number or a majority of such supervisors and judges in both counties had been present.

## CHAP. 17.

AN ACT supplementary to the act entitled "An act relative to the acknowledgment of deeds, passed the 11th day of February, 1797.

PASSED the 28rd of February, 1798.

Preamble.

WHEREAS, the act entitled "An act relative to the acknowledgment of deeds passed the 11th day of February, 1797, took effect before it became public, in consequence of which the record and registry of several deeds, conveyances and other writings relating to lands, tenements and real estates are invalid for want of acknowledgment and proof in conformity to the said act, and the officers who took the acknowledgment or proof of, and clerks who recorded or registered the same, have become liable to the penalties of the said act, for remedy whereof.

Record of  
deeds  
made be-  
fore Dec.  
1, 1797, de-  
clared  
valid.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly*, That the record or registry of any deed, conveyance of, or writing relating to any lands, tenements or hereditaments made before the first day of December last, upon the acknowledgment of the party executing the same, or upon due proof of the execution thereof, in conformity to the law existing before the passing the said act, shall be of the same force and validity in the law, as if the aforesaid act had not been passed.

Officers  
and clerks  
released  
from lia-  
bility un-  
der act of  
1797.

*And be it further enacted*, That the several officers who have taken any acknowledgments or proofs of any such deeds, conveyances or writings, not in conformity to the said act; and the clerks of the respective cities and counties in this State, who have recorded or registered any such deeds, conveyances or writings, on or before the said first day of December last, hereby are released and absolved from any penalty or penalties by them thereby respectively incurred.

First  
judges  
may  
take ac-  
knowledg-  
ments.

*And be it further enacted*, That it shall and may be lawful for the first judges of the courts of common pleas of each respective county in this State, except the county of Albany, to take the acknowledgement and proof of deeds conveyances and other writings relating to land, in

the same manner as the judges of the supreme court and masters in chancery in this State may by law now do, subject to the same restrictions, and liable to the same penalties as the said judges of the supreme court and masters in chancery are subject and liable to.

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## CHAP. 18.

AN ACT altering the time of holding the election of city officers for the city of Hudson.

PASSED the 23rd of February, 1798.

WHEREAS a representation has been made to this legislature by the mayor aldermen and common council of the city of Hudson, under their corporate seal, that an alteration as to the time of electing the officers in the said city is expedient. Therefore

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That it shall and may be lawful for the freemen of the city of Hudson being inhabitants thereof to assemble and meet together on the first Tuesday of April in every year for ever hereafter, at such time of the day and such public place as the mayor for the time being, or in his absence or sickness, the recorder shall appoint, and then and there elect and chuse out of the freemen inhabitants of the said city such and so many officers as is directed by any existing law of this State, or that shall hereafter be directed by law to be chosen for the said city.

Preamble.

Hudson city election to be held on first Tuesday of April.

*And be it further enacted,* That that part of the act entitled "An act for incorporating the inhabitants residing within the limits therein mentioned" passed the 22d day of April 1785, which directs the election of certain officers to be held on the second Monday in May in every year, be and the same is hereby repealed.

Part of act recited, repealed.

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## CHAP. 19.

AN ACT providing for the expence of the health office in the city of New York.

PASSED the 23rd of February, 1798.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That it shall and may be lawful for the treasurer of this State, and he is hereby directed on the order of the comptroller to pay to the order of the former commissioners of the health office in the city of New York, such sum of money as shall be certified by the comptroller to be due to them for their expenditures in the execution of their duties in the year of our Lord one thousand seven hundred and ninety six; and to Richard Bailey, such sum as shall be certified by the comptroller to be due for repairing the building on Bedlow's Island, used as a Lazaretto in the same year, to enable him to pay the several persons who made those repairs, and who remain unpaid.

Appropriation for health office in New York city, deficiency for 1798.

Id., deficiency for 1797.

Parts of acts repealed.

*And be it further enacted,* That it shall be lawful for the treasurer, and he is hereby directed to pay, on the order of the comptroller, to the order of the present commissioners of the health office in the city of New York, such sum as shall be certified by the comptroller to be due them for their expenditures in the execution of their duties during the last year.

*And be it further enacted,* That the 8th and so much of the 9th section of the act entitled "An act to prevent the bringing in and spreading of infectious diseases in this State" as authorizes the person administering the government of this State to grant warrants on the treasurer in favor of the commissioners of the health office, to be expended by them in the execution of their trust; and so much of the 5th section of the act entitled "An act for the establishment and support of a Lazaretto" as requires the commissioners of the health office in the city of New York to pay the residue of certain monies to the treasurer of the society of the hospital in the city of New York, in America, shall be and hereby is repealed; and in case the money received or to be received by the commissioners of the health office in the city of New York from the master and wardens of the port of New York in any one year, shall be more than sufficient to defray the expence of executing the trust committed to them, exclusive of such as are to be borne and paid as part of the contingent charges of the city of New York, and including an allowance of five hundred dollars to each of the said commissioners, including the health officer acting by himself or his substitute as physician to the Lazaretto; then and in such case, the said commissioners shall pay the residue thereof into the treasury of this State; and if at any time the money received by the said commissioners should not be sufficient for the purposes aforesaid, it shall be lawful for the person administering the government of this State for the time being, upon the application of the said commissioners, to direct the comptroller to issue a warrant to the treasurer to pay to the order of the said commissioners such sum as he may think necessary for the purposes aforesaid, not exceeding in the whole two thousand five hundred dollars in any one year.

## CHAP. 20.

**AN ACT** to amend An act entitled An act to regulate buildings in certain limits of the city of Albany.

PASSED the 23rd of February, 1798.

Buildings, restriction of, in city of Albany.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That it shall be lawful to build and erect dwell-houses, stores and other buildings constructed either in whole or in part of wood in any part of the city of Albany, if the same shall not exceed the following dimensions, that is to say, thirty feet in depth from the range of the street on which such dwelling house, store or other building shall adjoin; seventeen feet in height from the surface of the street adjoining to such dwelling house, store or other building, to the upper part of the wall plate thereof; and the roof thereof shall be of an elevation exceeding five inches on every foot, measured horizontally between the exterior points of the rafters thereof, any thing

in the said hereby amended act to the contrary notwithstanding: *Provided* that a scuttle of not less than two by three feet in extent in the clear, with stairs communicating therewith, be constructed in every such dwelling house, store or other building adjoining the ridge of the roof thereof; and provided that no store or stable shall be built or erected other than in the mode prescribed in and by the act hereby amended, on any street, which street shall be of a less breadth than thirty two feet within the limits in the said act described.

*And be it further enacted*, That it shall be lawful for Levinus Dunbar and Jellis Winne to cover their dwelling house erected within the limits aforesaid before the passing of this act with shingles. Privilege to parties named.

*And be it further enacted*, That in every dwelling house, store or other building erected before the passing of this act, in which there is no scuttle, the proprietor or proprietors shall cause to be constructed a scuttle of the dimensions herein before mentioned, adjoining the ridge of the roof thereof, with stairs communicating therewith within six months after the passing of this act, and that if any proprietor or proprietors of any such dwelling house, store or other building, shall neglect or refuse to make such scuttle or stairs, he shall for every month, he so neglects or refuses after the expiration of the said six months, forfeit the sum of five dollars to be received and applied in the manner directed with respect to the forfeitures to be incurred for contravening the act hereby intended to be amended. Scuttles to be constructed in houses previously erected.

## CHAP. 21.

**AN ACT to prevent unnecessary public prosecutions when the parties injured have remedy by civil action.**

PASSED the 24th of February, 1798.

*Be it enacted by the People of the State of New York represented in Senate and Assembly*, That in cases where a person shall on the complaint of another be bound by recognizance to appear, or shall for want of surety, be committed; or shall be indicted for an assault and battery or other misdemeanor, to the injury and damage of the party complaining, and not charged to have been done riotously or with intent to commit a felony, (or not being an infamous crime, and for which there shall be also remedy by civil action) if the party complaining shall appear before the magistrate who may have taken the recognizance or made the commitment, or before the court in which the indictment shall be, and acknowledge to have received satisfaction for such injury and damage, it shall be lawful for the magistrate, in his discretion, to discharge the recognizance or supercede the commitment, and also to discharge the recognizances which may have been taken for the appearance of witnesses in such case, or for the court also in their discretion, to order a noli prosequi to be entered on the indictment as the case may be and require upon payment of costs — *provided always*, that this act shall not extend to any assault and battery or other misdemeanor committed by, or on any officer or officers, minister or ministers of justice. Discharge of recognizance or release of person charged with assault or misdemeanor, not being an infamous crime.



## CHAP. 22.

AN ACT to amend an act entitled an act concerning sheriffs, and the service and return of process, and the act entitled an act concerning coroners.

PASSED the 24th of February, 1793.

Bond to be  
given  
sheriff

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That every person hereafter to be appointed to the office of sheriff of any city or county within this State, except the city and county of New York, before he be permitted to execute the said office, shall enter into bond to the people of this State in the penal sum of five thousand dollars, with two sureties being freeholders jointly and severally in the said penal sum of five thousand dollars, to answer to the people of this State and the parties if any will complain, which bond shall be in the form and to the effect following, to wit, "Know all men by these presents, that we.....of

Form of  
bond

.....are held and firmly bound to the people of the State of New York in the penal sum of five thousand dollars, to be paid to the said people, for payment whereof, we bind ourselves, our heirs executors and administrators, jointly and generally, firmly by these presents. Sealed with our seals and dated this .....day of.....in the year one thousand.....*Whereas* the above bounden.....hath been appointed to the office of sheriff of.....on the.....day last past; now therefore, the conditions of the above obligation is such, that if the said .....shall well and faithfully, in all things, perform and execute the office of sheriff of the said county of.....during his continuance in the said office, by virtue of the said appointment, without fraud, deceit or oppression, then the above obligation to be void, or else remain in full force." And that every person hereafter to be appointed to the office of sheriff of the city and county of New York, before he be permitted to execute the said office, shall enter into bond to the people of this State in the penal sum of twenty thousand dollars with two sureties being freeholders, jointly and severally in the said penal sum of twenty thousand dollars, to answer to the people of this State, and the parties if any will complain, which bond shall be in the form and to the effect aforesaid; and the said bond shall be filed in the clerks office of the counties respectively for which the respective sheriffs shall be appointed, and the said clerks respectively, shall, at the time of filing the said bonds, administer an oath to each of the sureties named therein; that he is a freeholder within this State, and worth the sum of five thousand dollars, or twenty thousand dollars, as the case may be over and above all debts whatsoever owing by him, which oath shall be indorsed on the said bonds, and subscribed by the said sureties respectively in the presence of the said respective clerks, but that the said clerks shall notwithstanding respectively judge of and determine the competency of such sureties.

In New  
York city.

Bonds to  
be filed.

Failure to  
give bond  
deemed re-  
fusal of  
office.

*And be it further enacted,* That upon each and every appointment to the office of sheriff of any city or county within this State, in case the person appointed to such office, shall neglect to enter into bonds as aforesaid for the space of twenty days after notice shall be given to him of his appointment, every such person shall be deemed to have refused to accept the said office; and it shall be the duty of the clerk

of the city or county in which such neglect shall happen, forthwith, after the expiration of the said twenty days, to give notice thereof to the person administering the government of this State, by letter to be put into a post office.

*And be it further enacted*, That for the better ascertaining, whether any person hereafter to be appointed to the said office of sheriff within this State, shall neglect to give bond as aforesaid, the commission to every person so appointed shall be transmitted by the secretary of this State to the clerks office of the city, or county for which such person shall be appointed; and it is hereby declared to be the duty of the said clerk, to give notice thereof without delay.

Commissions to be sent to clerks.

*And be it further enacted*, That any return made and signed by any one of the coroners for the time being in any of the counties of this State, to any future process which shall issue from and out of any court of record in this State, directed to the coroners of the said counties respectively, shall and is hereby declared to be as good and valid in law to all intents constructions and purposes, as if such return was made and signed by all the coroners of the said counties respectively. But the act or return of any one or more of the coroners, shall in no degree prejudice the rest.

Returns made by coroners.

*And be it further enacted*, That the last section of the act concerning coroners, passed the 14th day of February, 1787, be and is hereby repealed.

Part of act repealed

## CHAP. 23.

AN ACT authorizing the governor to appoint commissioners to treat with the Oneida Indians for the purchase of part of their lands.

PASSED the 26th of February, 1798.

*Be it enacted by the People of the State of New York represented in Senate and Assembly*, That it shall and may be lawful for his excellency the governor of this State to appoint such and so many persons as he shall judge proper, to treat as commissioners on the part of this State with the chiefs of the Oneida tribe of Indians for the extinguishment of their claim to such part of the lands reserved for their use as may be convenient for public roads and suitable settlements and accomodations.

Commissioners to treat with Oneida Indians.

## CHAP. 24.

AN ACT concerning the court of general sessions of the peace and the gaol for offenders in and for the city & county of New York.

PASSED the 2nd of March, 1798

*Be it enacted by the People of the State of New York represented in Senate and Assembly*, That from and after the tenth day of April next, the court of general sessions of the peace in and for the city and county of New York shall be held on the first Tuesdays in June, August, October, December, February and April every year; each of which sessions of the peace may continue and be held every day,

Court of general sessions in New York city, term of; grand jury may sit at same time as

supreme  
court.

(Sunday excepted) until the several Tuesdays next following inclusive, any charter, law, custom or usage to the contrary, notwithstanding. And if the supreme court of judicature of this State or any court of oyer and terminer or gaol delivery, should at any time be held in the said city of New York during the continuance of the said court of general sessions of the peace, it shall nevertheless be lawful for the said court of general sessions of the peace, by the oath of good and lawful men to enquire of, hear and determine, all felonies and offences committed in the said city and county, in the same manner, as if the said supreme court, or court of oyer and terminer or gaol delivery, were not then held in the said city and county, any law usage or custom to the contrary, notwithstanding.

Bridewell  
declared  
to be jail  
of the city;  
keeper.

*And be it further enacted,* That from and after the first day of May next, that part of the building called the Bridewell in the said city, which was lately made a temporary prison for the safe keeping of State criminals shall be considered and used as the gaol of the said city for the confinement and safe keeping of all persons convicted of or charged with any treason, felony or misdemeanor whatsoever, who may be committed to gaol in the said city, except such as shall be sentenced to imprisonment in the State prison; and the said gaol shall be under the care and charge of the mayor aldermen and commonalty of the city of New York; and the said mayor aldermen and commonalty in common council convened, shall from time to time appoint some proper person to be keeper thereof, who shall hold the said office during the pleasure of the said common council, and shall be called "the keeper of the Bridewell in the city of New York." And from and after the said first day of May next, all courts, judges and justices who may commit any offender to the gaol of the city and county of New York, shall make such commitment to "the keeper of the Bridewell in the city of New York." And the sheriff of the city and county of New York, shall as soon as conveniently may be after the said first day of May next, deliver all persons then in his custody convicted of or charged with any offence whatsoever to the said keeper. And the said keeper shall confine and keep in the said gaol in the said building, all persons delivered or committed to him as aforesaid, in the same manner and under the same penalties as the sheriff of the city and county of New York ought or is now bound by law to confine and keep in the\* the gaol of the said city and county the criminals committed to them.

## CHAP. 25.

AN ACT more effectually to discover and apprehend offenders in the city of New York.

PASSED the 2nd of March, 1798.

Police  
office in  
New York  
city.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That for the more effectually discovering and apprehending offenders in the city of New York, an office shall to that end be, and the same is hereby established in the said city, to be denominated, The Police Office in the city of New York, and to be

\* So in original.

kept at such place as the mayor aldermen and commonalty of the said city in common council convened, shall from time to time provide and assign.

*And be it further enacted,* That it shall be lawful for the chancellor every of the judges of the supreme court, the mayor recorder and every of the aldermen of the said city, whenever they shall severally deem the occasion to require it, to be in the said office, and then and there to do every act which they shall deem requisite to be done by them as conservators of the peace.

*And be it further enacted,* That two justices shall be appointed, each of whom shall be denominated in the commission to him, a special justice for preserving the peace in the city of New York, and shall within the said city execute the like authorities which are by law vested in justices as conservators of the peace. And there shall also be a clerk appointed, to be denominated in the commission to him, the clerk of the Police Office in the city of New York. And one of the said special justices at least, and the said clerk shall daily and throughout the day (Sundays and convenient intervals for refreshment excepted) attend in the said police office for the execution of their respective trusts.

*And be it further enacted,* That all recognizances from parties to appear and answer, or from witnesses to appear and testify, and all examinations of parties charged with offences and depositions of witnesses respecting offences taken elsewhere in the said city than in the said police office shall forthwith be lodged in the said police office by the chancellor, judge, mayor, recorder, special justice or other magistrate taking the same, and every recognizance for the appearance of parties or witnesses at any court to be held in the said city, and every examination or deposition respecting offences charged to have been committed in the said city taken in any other county, shall be transmitted by the magistrate taking the same to the clerks, to be lodged in the said police office. And as often as any recognizances for the appearance of parties or witnesses at any court to be held in any other county, or any examination or deposition respecting offences charged to have been committed in any other county, shall have been taken or lodged, in the said police office, the clerk shall transmit the same to the clerks of the respective counties. That at every term of the supreme court and at every sessions of oyer and terminer and gaol delivery and of the peace, to be held in the said city, the clerk of the said police office, shall deliver into court all recognizances which shall then be in the said police office for the appearance of persons at the said courts respectively together with all examinations and depositions which shall then be in the said police office respecting offences charged to have been committed in the said city. That it shall among other things be required of the said clerk to reduce to writing, all examinations and depositions, and to make out in due form all recognizances, and all warrants and other precepts which shall be made, taken or issued before or by any magistrate in the said police office, and generally to do and perform all such services and businesses in the said police office as shall be to be done and performed in writing, and to do and perform every such other reasonable services and business relating to his trust as shall be required of him by the magistrates or magistrate, who at the time shall be and attend in the said police office. And to have the charge and custody of all recognizances examinations and depositions which shall have been taken or lodged in

Certain officials to be in the police office from time to time.

Special justices for preserving the peace; clerk.

Recognizances and examinations.

the said police office until the same shall be delivered into the respective courts, or be transmitted to the respective counties, as the case shall be, and of all other papers in the said police office.

Recognizances to be filed in police office.

*And be it further enacted,* That if any recognizance shall be taken before any court within the said city for good behaviour or keeping the peace, a certified copy of the record thereof taken from the minutes forthwith shall be lodged by the clerk of the court in the said police office. And all recognizances from persons obtaining licences or permits to retail strong or spirituous liquor within the said city in future, shall instead of being lodged with the clerk of the said city, be lodged in the said police office. And it shall be the duty of the said special justices at all times to be vigilantly observant of the demeanor of the several persons bound by any such recognizance in respect to the matters for which they shall be so respectively bound, and if at any time there shall appear to either of the said special justices, probable cause for supposing any such recognizance to have become forfeited, the clerk of the said police office shall thereupon estreat such recognizance into the court of exchequer with a memorandum of the facts from which such cause shall have arisen, and of the names occupations and places of abode of the witnesses to prove such facts.

Salary of special justices.

*And be it further enacted,* That there shall be allowed to each of such special justices a salary at the rate of seven hundred and fifty dollars together with such fees as are by law allowed to a justice of the peace, and to the said clerk of the said police office, a salary at the rate of seven hundred and fifty dollars per annum so as this provision shall not be deemed to prohibit the mayor aldermen and commonalty of the said city in common council convened from making such farther and additional allowance to the said special justices and clerks, and to provide for the farther expences of the said police office as they shall judge necessary and proper; and the whole of the said expences comprehending the said salary, shall be deemed a part of, and shall be defrayed as the other contingent charges of the said city and county.

Persons detained by night watches.

*And be it further enacted* That it shall be the duty of the said justices or one of them, to examine all persons apprehended and detained in custody by the nightly watches of the said city, and to make such order thereon as the circumstances of each case and justice shall require, and likewise to superintend and direct the discharge of the said watch every morning upon the conclusion of the service of the night.

## CHAP. 26.

**AN ACT** supplementary to the act entitled *An act for opening and improving certain great roads within this State.*

PASSED the 2nd of March, 1798.

Additional managers of lotteries.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That Isaac Stoutenburgh, Abraham Herring and Philip Ten Eyck of the city of New York, be and they are hereby appointed, additional managers for drawing, managing and superintending the lotteries directed in and by the said act, who, with Leonard Gansevoort, Daniel Hale and John Taylor, managers of the said lotteries appointed by the said act, shall do and perform all and singular

the duties respecting the said lotteries enjoined by the said act and this act, they the said Isaac Stoughtenburgh, Abraham Herring and Philip Ten Eyck, severally entering into bond, similar to those directed to be entered into by the managers mentioned in the said first mentioned act, before they enter upon the duties of their office.

*And be it further enacted,* That the said managers or any two of them may sell and dispose of the tickets belonging to either of the said lotteries directed to be made by the said first mentioned act on credit to any person who may offer to purchase the number of twenty five tickets or more, taking such security as they shall judge competent for the payment of the money for which such tickets shall be sold.

Sale of tickets on credit.

*And be it further enacted,* That the first lottery directed to be made by the said first mentioned act, shall be drawn in the city of New York, under the inspection of the said managers or a majority of them.

Where first lottery to be drawn.

*And whereas* great inconveniences are experienced in the delay of opening and repairing the aforesaid great roads in this State, the expense of which was to be defrayed by the avails of the said lotteries. For remedy whereof:

*Be it further enacted,* That it shall and may be lawful, for the commissioners appointed or to be appointed, of the roads designated in the first second third and fourth sections in the said first mentioned act respectively, to receive from any person or persons any sum or sums of money, not exceeding in the whole the sum appropriated for the road or roads for which they are respectively appointed commissioners, to be laid out on such road or roads agreeably to the directions of the said first mentioned act. And the said commissioners respectively, shall give a receipt for the money so received, to the person or persons paying the same, specifying the use for which it was received, and shall as soon as may be, apply the same to the opening or repairing of such road or roads of which they are respectively commissioners.

Receipt of moneys by commissioners.

*And be it further enacted* That every person so paying money into the hands of such commissioners for the purposes aforesaid, and having such receipt for the same, shall be entitled to receive the sum so advanced by him with the interest thereof from the date of such receipt, out of the money appropriated for opening and repairing such road or roads, as soon as the avails of the lottery appropriated to the opening or repairing such road or roads for which such money was advanced, shall be paid by the managers of such lottery to such commissioners or other persons authorized to receive the same agreeably to the directions of said act.

Persons advancing moneys to receive interest and principal from receipts of lotteries.

*And be it further enacted* That it shall and may be lawful for any person or persons to pay into the hands of George Huntington of Fort Stanwix, any sum or sums of money not exceeding in the whole the sum of four hundred dollars for the purpose of improving and altering in such parts as he shall judge necessary of the road from Fort Stanwix to the bridge erected over the Fish creek, and from thence through George Scriba's land, and through the township number twelve in Boylston's purchase, who is hereby appointed a commissioner to receive such money, and to give a receipt for the same, specifying the use for which it was paid, and shall as soon as may be, apply the money so received by him, towards repairing and altering the said road in such parts thereof as he shall judge most necessary, and shall account with the comptroller for the expenditures of the same; and the person or per-

Advances for a certain road from Fort Stanwix.

sons so advancing such money, shall be repaid the same with the interest thereof from the date of such receipt, as soon as the sum out of the nett proceeds of the lottery mentioned in the fifth section of the said first mentioned act shall be paid by the managers thereof into the treasury of this State.

Payments  
by mana-  
gers of  
lotteries.

*And be it further enacted*, That the managers of the said lotteries shall out of the nett proceeds of the said first lottery, pay into the treasury of this State the sum mentioned in the fifth section of the said act, any thing therein to the contrary notwithstanding.

*And be it further enacted* That the commissioner appointed in pursuance of the act aforesaid, to open and improve the main Genessee road, shall and he is hereby authorized and empowered to lay out and continue the main Genessee road, from the Genessee river westward to the extremity of the State. *Provided nevertheless*, that none of the monies appropriated by the said act shall be laid out on the part of the road so to be continued; *and provided also* that the said road shall be made at the expence of those who may make donations therefor.

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## CHAP. 27.

AN ACT concerning manumissions of slaves heretofore made by the people commonly called Quakers and others.

PASSED the 9th of March, 1798.

Preamble.

WHEREAS the people composing the society commonly called Quakers and others, did a considerable time past manumit their slaves, and in several instances not in strict conformity to the statutes in such case made and provided, whereby doubts have arisen whether the slaves so manumitted and their off spring are legally free; Therefore

Certain  
manumis-  
sions de-  
clared  
valid.

*Be it enacted by the People of the State of New York represented in Senate and Assembly*, That such manumissions shall from the time thereof be valid to all intents and purposes whatsoever, any law to the contrary notwithstanding: *Provided always* that nothing herein contained shall be construed to exonerate the owners of the slaves so manumitted from maintaining them in the cases enjoined by the laws heretofore enacted concerning slaves.

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## CHAP. 28.

AN ACT for dividing certain towns in the county of Onondaga.

PASSED the 9th of March, 1798.

Sempro-  
nius, town  
of, erected.

*Be it enacted by the People of the State of New York represented in Senate and Assembly*, That from and after the first Monday in April next, all that part of the town of Scipio, lying east of the Owasco lake, together with all the township of Sempronius, as distinguished on a map of the military tract filed in the secretary's office by the surveyor general of this State, be and the same is hereby erected into a sepearte town by the name of Sempronius, and that the first town meeting be held at the house of Ezekiel Sayles in said town.

*And be it further enacted* That from and after the first Monday in Solon. April next, all that part of the town of Homer contained in the townships of Cincinnatus and Solon as distinguished on a map of the military tract filed in the secretary's office by the surveyor general of this State, be and the same is hereby erected into a separate town by the name of Solon, and that the first town meeting be held at the house of Eli Wildman in said town.

*And be it further enacted* That from and after the first Monday in Onondaga. April next, all that part of the county of Onondaga as is contained within the limits and bounds of the two tracks of land known by the names of the late Onondaga and Salt Spring reservations, be and hereby is erected into a separate town by the name of Onondaga, and the first town meeting shall be held at the dwelling house of Allen Beach in said town.

*And be it further enacted* That from and after the first Monday in Fabius. April next, all that part of the county of Onondaga, as is contained within the limits and bounds of the townships of Tully and Fabius, as distinguished on a map of the military tract, filed in the secretary's office by the surveyor general of this State, be and hereby is erected into a separate town by the name of Fabius; and the first town meeting shall be held at the dwelling house of Joseph Tubbs in said town.

*And be it further enacted* That the freeholders and inhabitants of Town officers. each of the respective towns hereby erected, shall be and hereby are empowered to hold town meetings and elect town officers, as the freeholders and inhabitants of other towns in this State may do by law, and that the inhabitants of each of the said towns respectively, and the town officers to be by them elected, shall have the like powers and privileges, and be subject to the like regulations and penalties as the freeholders, inhabitants and town officers of other towns in this State are intitled and subject to by law. y

*And be it further enacted* That after the first Tuesday of April Division of the poor. next, the overseers of the poor of the towns erected by this act, severally in conjunction with the overseers of the town or towns out of which any of the said towns shall have been so erected shall by notice given for that purpose by the supervisors of the towns aforesaid meet together and apportion the poor maintained by each of the said towns if any there be, previous to the division thereof, and to divide the monies now in the hands of the overseers of the poor, for the use of the poor of each of the towns aforesaid in an equitable manner, and each of the said towns hereby erected shall thereafter maintain their own poor respectively.

## CHAP. 29.

AN ACT to empower the governor to provide for the entertainment of Indians visiting the seat of government of this State on business.

PASSED the 9th of March, 1798.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That it shall be lawful for the comptroller of this State, and he is hereby directed, to issue his warrant on the treasurer for such sum or sums of money as his excellency the gov- Appropriation for entertainment of Indians.



ernor may find necessary and direct, to defray the expence of entertaining such Indians as may visit the seat of government on necessary public business; not exceeding in any one year the sum of one thousand dollars.

Person to provide entertainment.

*And be it further enacted* That it shall be lawful for the governor to appoint such person or persons as he may see fit to provide for and entertain such Indians, as may visit the seat of government for purposes as aforesaid.

Act to be in force three years.

*And be it further enacted* That this act shall continue in force for the term of three years and no longer.

## CHAP. 30.

AN ACT to amend the act entitled "An act for laying out part of lot number one in the town of Hannibal in the county of Onondaga into lots and for other purposes therein mentioned.

PASSED the 9th of March, 1798.

Oswego, how town to be laid out.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly* That the surveyor general shall lay out the town of Oswego in lot number one in the town of Hannibal in the county of Onondaga according to a plan by him exhibited for regulating the same. That all the streets shall be one hundred feet wide; That the public square cemetery public buildings and market places, shall be disposed according to the said plan. That all the house lots, excepting those allotted for public building shall be sixty feet in the front and rear, but not less than one hundred feet in depth.

Map to be filed.

*And be it further enacted*, That the surveyor general as soon as may be shall file the above descriptive map or plan of the town of Oswego, in the secretary of states office, and in the office of the clerk of the county of Onondaga.

Part of act recited repealed.

*And be it further enacted*, That so much of the act entitled An act for laying out part of lot number one in the town of Hannibal in the county of Onondaga into house lots and for other purposes therein mentioned " as regulates the mode of laying out the said lots be and the same is hereby repealed.

Alterations of plan.

*And be it further enacted* That it shall be in the power of the surveyor general to make such further alterations as he may see absolutely necessary, the person administering the government of this State for the first time being giving his approbation to the same. *Provided* such alterations are made and approved of previous to the filing of the plan in the offices aforesaid.

## CHAP. 31.

AN ACT to divide the counties of Herkimer & Tioga.

PASSED the 15th of March, 1798.

Chenango, county of, erected.

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That all that part of the counties of Herkimer & Tioga included within the following bounds to wit, beginning at

the south east corner of the county of Onondaga thence a direct course to the confluence of the Tioughnioga & Chenango rivers, thence up the last mentioned river to the north west corner of a tract of land granted to John Fay & others, thence along the north bounds thereof and the same line continued until it meets the west line of Clinton township, thence along the same south to the most north westerly corner of the town of Warren, thence easterly on the division line between the said townships of Clinton & Warren to the line of property, thence northerly along the west bounds of the counties of Delaware and Otsego to the town of Bridgewater in Herkimer county, thence on the southerly & westerly line thereof to the north bounds of the twenty towns so called, thence along the same westerly to the south-west corner of lot number fifty in the first allotment of a tract of land called New Petersborough, thence northerly on the west line of said lot number fifty and sixty nine to the south line of New Stockbridge, thence the shortest line to the main branch of the Oneida creek thence northerly down said creek to the Oneida lake, thence westerly along the southerly shore of the Oneida lake to the county of Onondaga, thence southerly along the said county of Onondaga to the place of beginning shall be a separate county by the name of Chenango.

*And be it further enacted* That all that part of Herkimer county, beginning at the south west corner of the town of Bridgewater and running thence east on the line of said town to Unadilla river, thence northerly and easterly on the line of Bridgewater to the town of Litchfield, thence north on the line of Bridgewater & Litchfield to the south east corner of the town of Paris, thence the same line continued on the east line of Paris & Whitestown to the southerly line of Cosbys Manor; thence north easterly a direct line to the northerly bounds of said Cosbys Manor at a point where the same is intersected by the division line between Gages & Waltons patents; thence northerly on the line between the said Waltons & Gages Patent to the West Canada creek; thence northerly up the waters of said creek to the forks hereof; thence easterly up the east branch of said creek to the north east corner of Services patent, thence north to the north bounds of this State, thence westerly along the north bounds of this State to Lake Ontario thence along the easterly shore of said lake to the mouth of the Oswego river, thence easterly up said river to the Oneida lake thence along the south side of said lake to the Oneida creek, thence up said creek on the east line of the county of Chenango to the north line of the town of Hamilton; thence easterly along the north bounds of the said town of Hamilton & Sangerfield to the north west corner of the town of Bridgewater, thence southerly on the west line of said town of Bridgewater to the place of beginning shall be and hereby is erected into a separate county by the name of Oneida.

*And be it further enacted* That all the remaining part of the county of Herkimer shall be and remain a separate county by the name of Herkimer, and that the courts of common pleas and general sessions of the peace shall in future be holden at the court house in the town of Herkimer, any former law to the contrary hereof notwithstanding.

*And be it further enacted* That there shall be held in and for each of the said counties of Chenango & Oneida respectively a court of common pleas & a court of general sessions of the peace and that there shall be three terms of the same courts in each of the said counties respectively in every year to commence and end as follows, that is to say, the first term of the said courts in the said county of Oneida shall begin on the third Tuesday in May next and may continue to be

Oneida,  
county of,  
erected.

Courts in  
Chenango  
and  
Oneida

held until the Saturday following inclusive ; and the second term of said courts in the said county of Oneida shall begin on the first Tuesday in September and may continue until the Saturday following inclusive, and that the third term of said courts in the said county of Oneida shall begin on the last Tuesday of December and end on the Saturday following inclusive ; and the first term of the said courts in the said county of Chenango shall begin on the second Tuesday of June and end on the Saturday following inclusive ; and the second term of said courts in the said county of Chenango shall begin on the second Tuesday of October and end on the Saturday following inclusive ; and the third term of said courts in the said county of Chenango shall begin on the third Tuesday of February and end on the Saturday following inclusive. *Provided always* that nothing in this act contained shall be construed to prevent the judges and justices of said courts from adjourning on any previous day to Saturday in any of said weeks, if the business of said courts will permit the same.

Jurisdiction of courts.

*And be it further enacted* That the said courts of common pleas and general sessions of the peace shall have the same jurisdiction, power and authority in the same counties respectively as the courts of common pleas and general sessions of the peace in other counties in this State have in their respective counties. *Provided always* that nothing in this act contained shall be construed to affect any suit or action already commenced or that shall be commenced before the first Tuesday of the first terms in the said counties of Oneida & Chenango respectively, so as to work a wrong or prejudice to any of the parties therein or affect any criminal or other proceeding on the part of the people of this State ; but all such civil & criminal proceedings shall be and may be prosecuted to trial, judgment and execution as if this act had not been passed.

Where courts held in Oneida county.

*And be it further enacted* That the first court of common pleas and general sessions of the peace in and for the said county of Chenango shall be held at the school house in the town of Hamilton, near the dwelling house of Elisha Payne in said town and that the second term of said court shall be holden at the academy in the town of Oxford in said county, & so alternately in the order above mentioned ; and that the said court of common pleas and general sessions of the peace in & for the said county of Oneida shall be held at the school house near Fort Stanwix in the town of Rome in said county.

Where prisoners to be confined.

*And be it further enacted* That it shall and may be lawful for all courts & officers of the said counties of Oneida and Chenango respectively in all cases civil and criminal to confine their prisoners in the gaol of the county of Herkimer until a gaol be erected in the counties of Oneida & Chenango respectively

Privileges of counties.

*And be it further enacted* That the freeholders and inhabitants of the several counties hereby erected shall have and enjoy within the same respectively, all and every of the same rights, powers and privileges as the inhabitants of any other county in this State are by law entitled to have and enjoy.

Supreme court.

*And be it further enacted* That it shall not be the duty of the justices of the supreme court at any time in the present year to hold a circuit court in the said counties of Oneida & Chenango unless in their judgment they may deem it proper and necessary, any law to the contrary notwithstanding.

Assistant attorney-general district.

*And be it further enacted* That the said counties of Oneida & Chenango shall be annexed to and from part of the district now composed of the counties of Herkimer & Otsego as respects all proceedings

under the act entitled "An act making provision for the more due and convenient conducting prosecutions at the court of Oyer and Terminer & gaol delivery and general sessions of the peace.

*And be it further enacted* That all losses which may arise from deficiencies on loans made by the loan officers of the former county of Herkimer on lands included in the said county of Oneida shall be borne by the said county of Oneida; and such deficiency as shall arise from lands situated in that part of the said county of Chenango taken from the county of Herkimer shall be borne by the inhabitants residing in such part; and such deficiency as shall arise from lands mortgaged to the law officers of the county of Tioga and situated in that part of the said county of Chenango taken from the county of Tioga shall be borne by the inhabitants residing in such parts; and for that purpose the said law officers shall certify the amount of such deficiencies to the supervisors of the counties of Oneida & Chenango, who shall thereupon assess levy & collect the same upon the principles aforesaid and pay the same over to the loan officers of the said counties respectively in which such deficiencies shall arise. And the future meetings of the loan officers of the said county of Herkimer for the discharge of the duties enjoined by the act entitled "An act for loaning monies belonging to this State" shall be at the house now occupied by Ezekiel Clarke at old Fort Schuyler; and it shall be the duty of the supervisors of the said counties of Herkimer and Oneida respectively at their annual meeting on the last Tuesday of May in every year to nominate & appoint a committee of three of their board in each county who shall in conjunction with one judge of the court of common pleas from each of the same counties respectively meet together at the house now occupied by the said Ezekiel Clarke at Fort Schuyler on the first Tuesday of October in every year, and then and there do and perform the duties enjoined on the judges and supervisors of the former county of Herkimer by the twentieth section of the said last recited act.

Losses on loans.

*And be it further enacted* That the court house and gaol in and for the said county of Oneida shall be erected at such place within one mile of Fort Schuyler otherwise Fort Stanwix in the town of Rome, as the supervisors of the several towns in said county shall in legal meeting assembled designate & appoint.

Court-house and jail in Oneida county.

*And be it further enacted* That from and after the passing of this act it shall and may be lawful for the county of Herkimer to elect three members of assembly, the county of Oneida three members, the county of Chenango two members, & the county of Tioga one member of assembly, any law to the contrary hereof notwithstanding.

Members of assembly.

*And be it further enacted* That the first meeting of the supervisors for the county of Chenango shall be held at Oxford Academy on the last Tuesday of May next; and that the first meeting of the supervisors of the county of Oneida shall be held at the school house in the town of Rome on the last Tuesday of May next.

Meetings of supervisors.

*And be it further enacted* That all that part of the town of Frankfort included in the said county of Oneida shall be annexed to and become part of the town of Whitestown, and that all the remaining part of the said town of Frankfort shall be and remain a separate town by the name of Frankfort; and all that part of the town of Schnyler included in the said county of Oneida shall be and hereby is erected into a separate town by the name of Deersfield, and that the first town meeting in said town shall be holden at the house of Ezra Payne; and

Towns divided by erection of new counties; Deersfield erected.

that all the remaining part of the said town of Schuyler shall be and remain a seperate town by the name of Schuyler, and that the first town meeting in said town shall be holden at the house of Benjamin Learned.

Green  
erected;  
part of  
Jerico an-  
nexed to  
Chenango.

*And be it further enacted* That all that part of the town of Union & Jerico beginning at the south east corner of the county of Onondaga, then southerly and easterly along the line of the said county of Chenango to the township of Clinton, thence north along the westerly line of the same to the south west corner of the town of Oxford, thence along the west bounds of the town of Oxford to the south bounds of the town of Norwich, thence westerly on the south line of said town to the county of Onondaga, thence south to the place of beginning shall be and remain in a seperate town by the name of Green, that the first town meeting in said town shall be held at the house of Conrad Sharp in said town; and all the remaining part of the said town of Jerico included in the said county of Chenango shall be and remain a seperate town by the name of Jerico; and all the remaining part of the said town of Jerico included in the said county of Tioga shall be and is hereby annexed to the town of Chenango.

Catharines  
erected.

*And be it further enacted* That all that part of the Town of Newtown in the county of Tioga consisting of the northern half parts of the townships number one & four and the whole of townships number two & three of a tract of land patented to John W. Watkins shall be and hereby is erected into a seperate town by the name of Catharines, and the first town meeting shall be holden at the house of David Culver in said town; and all the residue of said town of Newtown shall be and remain a seperate town by the name of Newtown.

DeRuyter  
erected.

*And be it further enacted* That all that part of the town of Cazenovia beginning at the south west corner of a tract of land commonly called DeRuyter township, thence easterly to the west line of the Twenty Towns, thence north to the south west corner of township number seven, thence east to the south east corner thereof, thence north to the south east corner of township number one, thence westerly along the south bounds thereof to the road township, thence southerly & westerly to the county of Onondaga, thence south to the place of beginning, shall be and hereby is erected into a seperate town by the name of DeRuyter and the first town meeting in said town shall be held at the house of Joseph Messenger junior in said town.

Cazenovia,  
what to  
comprise.

*And be it further enacted* That all that part of the town of Cazenovia beginning at the south west corner of the road township, thence east along the south boundary thereof to the west line of township number six, thence north to the south corner of township number one, then east along the south bounds thereof to the south east corner thereof, thence north along the division line of townships number one and two to the north boundary line of the twenty towns, thence easterly along the said boundary line to the east bounds of the county of Chenango, thence northerly, westerly and southerly along the boundary line of the counties of Chenango & Onondaga to the place of beginning, shall be and hereby is erected into a seperate town by the name of Cazenovia, and that the first town meeting in said town shall be held at the new school house near the lake.

Augusta,  
erected.

*And be it further enacted* That all that part of the town of Whites-town bounded westerly and southerly by the county of Chenango, easterly by Brothertown and the town of Paris, and northerly by the southernmost great Genesee road shall be & hereby is erected into a seperate town by the name of Augusta, and that the first town meet-

ing shall be holden at the dwelling house of Timothy Pond Junior in said town.

*And be it further enacted* That the remaining part of Whitestown lying within the Oneida reservation so called, & included within the county of Oneida shall be annexed to and form a part of the town of Westmoreland. Westmoreland, part of Whites-town annexed to.

*And be it further enacted* That all that part of the town of Norway included in the county of Oneida shall be & hereby is erected into a separate town by the name of Remsen and that the first town meeting shall be holden at the dwelling house of Samuel How in said town. Remsen erected.

*And be it further enacted* That all the remaining part of Norway included in the county of Herkimer shall be and remain a separate town by the name of Norway and that the first town meeting shall be holden at the dwelling house of Jeremiah Potter in said town. Norway.

*And be it further enacted* That all that part of the former county of Herkimer, included in the said county of Chenango, and the whole of the said county of Oneida shall be and remain in the district composed of the counties of Herkimer and Montgomery for the purpose of electing a representative in the house of representatives of the Congress of the United States; and all that part of the former county of Tioga which is included in the said county of Chenango shall be and remain in the district composed of the counties of Otsego, Tioga, Steuben, Ontario & Onondaga for the purpose aforesaid; and it shall be the duty of the inspectors of the election for representatives as aforesaid to deliver the ballots taken in the said county of Chenango to the sheriffs of the counties respectively from which the towns in which such ballots may be taken shall have been separated. Congressional districts.

*And be it further enacted* That it shall be the duty of the supervisors of the county of Tioga for the time being to hold their annual meeting on the last Tuesday in May in each and every year hereafter at the house of Luke Bates in the town of Union any law to the contrary thereof notwithstanding. Meetings of supervisors of Tioga county.

*And be it further enacted* That it shall be the duty of the superintendants of highways for the county of Tioga for the time being to hold their annual meeting on the second Tuesday in May in each and every year hereafter at the house of Luke Bates in the town of Union, any law to the contrary thereof notwithstanding. Superintendents of highways.

## CHAP. 32.

AN ACT for dividing the towns of Rochester and Mamakating in the county of Ulster.

PASSED the 16th of March, 1798.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That all that part of the town of Rochester in the county of Ulster, beginning on the north east bounds of the town of Mamakating, at the distance of twelve and an half miles on a course of north forty nine degrees and thirty minutes west from the southerly corner of the said town of Rochester, where it meets with the northwesterly bounds of the town of Shawangunk at the Shawangunk mountains, thence running from the end of the said twelve and an half miles north forty degrees east, to the southwest bounds of Nevisinck, town of, erected.

the town of Marbletown, thence along the said bounds of the town of Marbletown northwest to the southeast bounds of the town of Woodstock, thence along the said bounds of the town of Woodstock, south thirty three degrees west, six miles to the division line of great lots number five and number six in the Hardenbergh patent, thence along the said division line, to the division line between the counties of Ulster and Delaware, thence along the said line south sixty two degrees west, twelve miles and ten chains, and thence south forty nine degrees and thirty minutes east to the place where it began, shall be and hereby is erected into a town by the name of Nevisiuck. And that the first town meeting be held at the house of George Purvis in the said town. And that all the remaining part of the said town of Rochester be and remain a separate town by the name of Rochester, and that the first town meeting in the said town be held at the house of Benjamin Hoornbeck.

Deerpark  
erected.

*And be it further enacted* That all that part of the town of Mamakating in the county of Ulster aforesaid, beginning at the line of the county of Orange, where it intersects the Shawangunk Kill, and running thence along the said Kill being the boundary line of the town of Wallkill to the north part of the farm at present occupied by Joseph Wood Junior, thence west to the river Mongaap, thence along the said river Mongaap as it runs to the Delaware river, thence along the said river to the county of Orange, and thence easterly along the same to the place of beginning, be and hereby is erected into a separate town by the name of Deerpark. And that the first town meeting in the said town be held at the house of Elisha Reeve.

Lumber-  
land  
erected.

*And be it further enacted* That all that part of the said town of Mamakating bounded on the northeast by the Delaware river, on the northwest by the county of Delaware, on the southwest by the town of Rochester, and on the east by the Mongaap river, shall be and hereby is erected into a separate town by the name of Lumberland; and that the first town meeting in the said town be held at Ten Mile river, or near where it empties into the Delaware river. And that all the remaining part of the said town of Mamakating be and remain a separate town by the name of Mamakating; and that the first town meeting in the said town be held at the house of Abraham Masten.

Division of  
the poor.

*And be it further enacted* That as soon as may be after the first Tuesday of May next, the supervisors and overseers of the poor of the said towns of Mamakating Deerpark and Lumberland, shall by notice to be given for that purpose by the supervisors of the said respective towns, meet together and divide the monies raised for the support of the poor in the former towns of Rochester and Mamakating previous to the division thereof, between the aforesaid towns, and shall make such division on principles of equity; and if the supervisors and overseers of the towns aforesaid cannot agree upon such division of the monies aforesaid, then and in such case, the supervisors of the county of Ulster, shall at their next meeting divide the monies as aforesaid, in such manner as shall appear to them just and equitable.

Division of  
the poor.

*And be it further enacted*, That the freeholders and inhabitants of each of the respective towns hereby erected, shall be and hereby are empowered to hold town meetings and elect town officers in like manner as the freeholders and inhabitants of other towns in this State may do by law. And the inhabitants of each of the said towns respectively, and the town officers to be by them elected, shall have

the like powers and privileges, and be subject to the like regulations and penalties, as the freeholders, inhabitants and town officers of other towns in this State are entitled and subject to by law.

*And be it further enacted* That the supervisors of the said respective towns shall cause as soon as conveniently may be, after the first Tuesday in April next the division lines between the said towns, to be run and marked out at the expence of the said respective towns. And that the expences that may accrue therein, be assessed, raised and levied on the freeholders and inhabitants of the said towns respectively in the same manner as the contingent expences of the county of Ulster are raised and levied.

Division lines to be run.

## CHAP. 33.

### AN ACT concerning quit-rents.

PASSED the 16th of March, 1798.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That it shall and may be lawful for all and every person and persons, who is, are, or shall be, seized of any lands tenements or hereditaments in this State, charged with an annual quit-rent, to commute for the same at any time hereafter, by paying to the treasurer of this State for the time being, for the use of this State, one dollar and fifty cents, for every shilling of such annual quit rent, either in money or in any of the stocks created under the authority of the United States of America, at the nominal value thereof; and the treasurer shall, upon such payment, give the person making such payment, a receipt or certificate expressing the sum paid, and whether in money or stocks, and the annual quit-rent in lieu or discharge of which the same is paid, and describing the land, tenements or hereditaments on which the same annual quit-rent was charged or reserved, and the date of the grant reserving the same, which receipt or certificate shall be produced by the person making such payment, to the comptroller, who shall countersign, and then enter the same in a book to be kept in his office; and the same receipt or certificate being so countersigned and entered, or the entry thereof, shall be a good discharge of such quit-rent forever.

Commutation of quit rents, how made.

*And be it further enacted* That where any tract of land chargeable with quit-rent, was originally granted to several persons, and shall have been divided into as many shares as there were original proprietors in the grant, it shall be lawful for the owners or proprietors of the share of any of the original grantees to commute for the quit-rent on such share in manner aforesaid; and where the quit rent reserved by any grant or patent of any tract of land, is according to the quantity, or by the acre, it shall be lawful for the owners or proprietors of any divided part thereof to commute for the quit-rent of such part in manner aforesaid, and also to pay the arrears of quit-rent on such divided part, but no person shall be permitted to commute for the quit-rent on any patent, or on any part thereof without first paying the arrears of quit-rent then due thereon.

Id., where land has been divided into several shares.

*And be it further enacted,* That the stock which shall be paid to the treasurer for the commutation of quit-rents, shall be transferred to him as treasurer of this State, and he shall deposit the certificates for the same in the Bank of New York, with such power of at-

How treasurer to dispose of stocks received.



torney, and take such receipts as are mentioned and directed in and by the act entitled "An act concerning the arrears of taxes and the payment of audited accounts and for other purposes," and shall deposit such receipts in the office of the comptroller of this State.

Proceedings where there are several owners of lands charged with quit rents.

*And be it further enacted,* That where there are or may be several owners or proprietors, of any tract of land chargeable with quit-rents, whether the same is, or shall be situated in one town or in several towns or counties, it shall be lawful for any three or more of such owners or proprietors, whenever there shall be more than one years quit-rent due for such tract, to put up an advertisement at some public place on the said land, notifying and requiring all the owners and proprietors of lands in such patent chargeable with quit rents, to meet at a certain time and place therein to be specified, not less than twenty, nor more than forty days from the time of setting up such advertisement, to raise and pay the arrears of quit-rent then due for such tract, and such of the owners and proprietors of the said land chargeable with quit-rent, as shall then meet, may proceed to chuse by plurality of voices, two assessors and one collector for the purpose: and the assessors so chosen, shall procure from the comptroller of this State, an account of the arrears of quit-rent due for such patent, with an account of the charges of advertisement, if any, and an account of the quantity of land in such patent, if any, on which the quit-rent is remitted or discharged by commutation, and shall then proceed to make an assessment roll, containing the names of the owners or proprietors of the land in the said patent, chargeable with quit-rent, and the quantity of the land, to which he or she is entitled, and the sum with which each of them is respectively chargeable of such arrears, according to the quantity of acres which every such person may be entitled to in the same patent or tract, with an addition of six per cent for charges and mentioning the quantity of land, if any, in such patent, sold by the commissioners of forfeitures which is not chargeable with quit rent, and subscribe their names to the same assessment roll, and annex the account received from the comptroller to it, and then and within sixty days from the time they were chosen, deliver the same to the collector so chosen as aforesaid who shall collect from the respective persons named in such assessment roll, the several sums they shall be respectively charged with, in the same manner as the collectors of public taxes are, or shall be empowered by law, and shall within six months after he receives such assessment roll, pay the sums by him received or collected thereon for quit-rents to the treasurer of this State, and deliver the said assessment roll to the treasurer with a certificate thereon, signed by such collector, if the whole sum therein mentioned is not paid, setting forth which of the persons therein named are delinquent, and the reason the sums they are respectively charged with could not be levied, and such collector shall also pay one per cent of such part of the six per cent so added as aforesaid, as he shall collect to the assessors for their trouble, and retain the residue as a compensation for his services; and the treasurer shall deliver such assessment roll to the comptroller, in order that the patent may be credited with the sum paid for quit-rent, and proper measures taken to compel payment of the arrears from the delinquents.

Where lands situated in several counties.

*And be it further enacted,* That where the lands contained in any grant or patent, are or shall be situated in several counties, and process is to be issued for the sale of part of the said lands for the payment of the quit-rent by virtue of the act entitled "An act for the collection and commutation of quit rents," it shall be lawful for the

junior justice of the supreme court of judicature of this State for the time being to direct such process to the sheriff of either of the said counties, and such sheriff shall proceed thereon in the same manner as if the lands lay in his county, except that he shall cause such advertisements, as are mentioned in the said act, to be affixed at three or more of the most public places in each of the counties where any of the lands lie ; and any sale made by him thereon, of any part of the said lands, in all or any or either of the counties, shall be as good and effectual as if the whole lay in his county ; and in all cases where any process shall be issued by such justice by virtue of the said act for the sale of any lands for the payment of quit rents, such process shall be recorded in the office of the secretary of this State, and the same, or the record thereof shall be full and conclusive proof that such notices as are directed by the said act had been duly given and published and that all the proceedings, previous to the issuing of such process, were regular and according to law. And in every such warrant the sheriff shall be commanded to pay the money certified to be due for quit-rent and charges to the treasurer of this State. And it shall be lawful for the comptroller to draw warrants on the treasurer, to defray the expenses arising in the execution of this act.

*And be it further enacted,* That it shall be lawful for the comptroller of this State, from time to time, as often as there shall be occasion, by warrant under his hand and seal of office, to appoint and authorise any proper person or persons to distrain for the quit-rent due, or hereafter to become due upon any divided part of any grant or patent, or any tract or parcel of land contained therein and every such person so appointed shall be considered as the proper officer for that purpose, but no distress shall be made by virtue of this act upon any farm lot or divided part of any tract of land for any arrears of quit-rent due for any other part of the said patent or tract of land.

Persons designated to distrain for quit rent.

*And be it further enacted,* That the act entitled " An act for the limitation of criminal prosecutions and of actions and suits at law " shall not take effect or be in force as to quit rents, or any proceeding for recovery of the arrears thereof, until the first day of January which will be in the year of our Lord one thousand eight hundred and ten.

When act recited to take effect.

## CHAP. 34.

AN ACT supplementary to the act entitled " An act for the regulation of pilots and pilotage for the port of New York, and for other purposes therein mentioned.

PASSED the 16th of March, 1798.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That it shall and may be lawful for every pilot, commissioned and appointed as is directed in and by the act entitled " An act for the regulation of pilots and pilotage for the port of New York, and for other purposes therein mentioned," to ask, demand and receive of and from any person or persons who shall employ him to pilot any ship or other vessel, from the eastward or southward of the outer middle ground, bar or east bank, so far that such vessel may safely proceed to sea, pilotage at the rate of one dollar and twenty five cents for every foot of water such ship or vessel shall draw ; *provided* that no more than half pilotage at the rate aforesaid shall be demanded

Fees of pilots established.

or received by any such pilot, who shall to the westward of the said middle ground or east bank, take charge of any ship or other vessel coming into the port of New York; and *provided also* that no pilotage whatsoever shall be demanded or received by any such pilot for any ship or other vessel coming into the said port of New York, unless such pilot shall take charge of such ship or vessel to the south of the upper middle ground.

Additional fees at certain seasons of the year.

*And be it further enacted* That between the first day of December and the first day of March inclusive in every year, every pilot commissioned as aforesaid, may ask, demand and receive the additional sum of four dollars for any ship or other vessel drawing ten feet water and upwards, and for every ship or other vessel drawing less than ten feet water, the additional sum of two dollars.

Extra fees for foreign bottoms.

*And be it further enacted*, That it shall and may be lawful to and for every pilot commissioned and appointed in manner aforesaid to ask, demand and receive from any person or persons, who shall employ him to pilot any ship or other vessels, being foreign bottoms, the extra allowance of two dollars and fifty cents, on each and every of such ships or vessels, over and above the rates of pilotage allowed as aforesaid.

Per diem fee when pilot detained.

*And be it further enacted* That for every day which any pilot commissioned as aforesaid shall be required to remain or be detained on board any ship or other vessel by the master thereof, waiting for a fair wind or otherwise; such pilot is hereby authorized to demand and receive the sum of one dollar and fifty cents.

Fees for piloting vessels through Hell Gate.

*And be it further enacted* That every pilot appointed and commissioned as aforesaid, to pilot vessels through the East river or Sound commonly called Hell Gate, shall be and hereby is authorized to demand and receive from the master of any ship or vessel to whom he may or shall tender his services as a pilot, and by whom the same shall be refused; and for detention on board of any vessel waiting for a fair wind or otherwise, the same compensation as in similar cases is allowed by the act aforesaid to the other branch pilots of the port of New York. *Provided nevertheless* that nothing shall in any wise be demanded or received from the master or owner of any vessel employed in the coasting trade between the port of New York and any port of the United States, for refusing to receive and employ such pilot.

Penalty for person not commissioned acting as pilot.

*And be it further enacted* That if any person not appointed and commissioned as aforesaid, shall pilot any ship or vessel through the said Sound or Hell Gate, when a branch pilot or deputy pilot offers, such person shall forfeit and pay the sum of seven dollars, excepting coasting vessels as aforesaid.

Pilot boats, dimensions of.

*And be it further enacted* That the boats which shall hereafter be used as pilot boats, except those now in use, shall not be less in length of keel than thirty, no more than forty five feet, including the whole length of the scarf.

Acts repealed.

*And be it further enacted* That the act entitled "An act to amend the act entitled "An act for the regulation of pilots and pilotage for the port of New York and for other purposes therein mentioned" passed the eighth day of February, one thousand seven hundred and ninety four, and the act entitled "An act to amend an act entitled "An act for the regulation of pilots and pilotage for the port of New York and for other purposes therein mentioned" passed the eleventh day of April, one thousand seven hundred and ninety six, be and they are hereby repealed. —

How long act to be in force.

*And be it further enacted* That this act shall be and continue in force until the first day of March, one thousand eight hundred.

## CHAP. 35.

### AN ACT to amend the act entitled "An act to regulate highways."

PASSED the 16th of March, 1798.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That when it shall happen that in any of the counties subject to the said act, a greater quantity of work is required to keep in repair the roads than has been rated on the inhabitants of any of the road district in either of the towns in this State by the commissioners at their annual meetings, agreeable to said act, then and in such case, it shall and may be lawful for the overseers of roads in each district, and they are hereby required, to make out another assessment in the same proportion as near as may be, not to exceed one third of the number of days assessed before in the same year.

Additional assessment for work on highways.

*And be it further enacted* That every person subject by the act hereby amended to work on the highways, other than the overseers of the highways for the time being, and who shall be assessed in manner prescribed by said act, shall work the whole number of days he shall be assessed, or commute for the same at the rate of seventy five cents for each day, to be applied in the same manner, as is directed by the act hereby amended, any former law to the contrary notwithstanding.

Persons assessed to commute.

*And be it further enacted* That the commissioners of highways to be chosen in the respective towns in the several counties of this State in conformity to the third section of the act hereby amended, shall in addition to the powers vested in them by the said act, have full power and lawful authority to lay out such new roads in the several towns, as they may deem necessary and proper, subject nevertheless to an appeal to the superintendants of the county, in the same manner, and under the restrictions prescribed in the act aforesaid.—

Authority to lay out new roads.

*And be it further enacted* That the accounts of the commissioners of highways for the time being, shall be audited and paid as other town officers are paid.

Audit of accounts.

*And be it further enacted* That in the counties of Washington, Saratoga Schohary, and that part of the county of Albany to the northward of the south bounds of the town of Bethlehem, where any carriages or sleighs meet each other on the road or highway, the persons in carriages or sleighs going from the city of Albany shall give way to those going towards the said city; and all persons travelling eastward in any of the public roads and highways in the counties of Columbia and Rensselaer shall give way to those travelling westward; provided moreover

Passage of teams in certain parts of the State.

*And be it further enacted* That it shall be lawful for the mayor, aldermen and commonalty of the city of Albany, and the commissioners of highways, in and for the towns of Watervliet and Schenectady in the county of Albany to lay out and open two public roads or highways leading from the said city of Albany to the village of Schenectady at the distance of one rood from each other, or as nearly so as conveniently may be; and that all persons going in carriages or sleighs from or to the said city of Albany, shall take the right hand road—and that in all cases of carriages or sleighs meeting westward of the village of Schenectady on the great roads running eastwardly and westwardly on either side of the Mohawk river and contiguous thereto, the carriages

Public roads from Albany to Schenectady.

or sleighs going westwardly shall give way to those travelling eastwardly, under the penalty of three dollars for each offence, to be recovered and applied in the same manner as other penalties mentioned in the act entitled "An act to regulate highways," are recovered & applied.

Raising of  
moneys  
for repairs  
of bridges.

*And be it further enacted* That it shall be lawful for the boards of supervisors of the respective counties in this State where such bridge or bridges have been built or repaired by virtue of such law or laws as are repealed by the above recited act, and it is hereby made their duty, at their next annual meeting for auditing the accounts of the counties respectively, to cause such sum or sums of money to be raised, as shall appear to such board of supervisors to be justly due to any person or persons for building and repairing of bridges by virtue of any law or laws while in force, and repealed by the above recited act in the same manner as if the law or laws, by virtue of which such bridges have been built or repaired, had not been repealed, any law to the contrary notwithstanding.

Account  
of over-  
seers.

*And be it further enacted* That the overseers of the highways for the time being shall account with the commissioners on or before the second Tuesday in March, and the commissioners shall account with the superintendants on the third Tuesday in March in every year.—

Part of act  
recited re-  
pealed

*And be it further enacted* That the second section of an act entitled "An act for the relief of John B. Coles, and to provide for the laying out of new roads" be and the same is hereby repealed.—

Act recited  
revived.

*And be it further enacted* That the act for the better laying out, regulating and keeping in repair public highways and private roads in the county of Richmond and for the explaining and repealing certain laws therein mentioned, passed the 9th day of March 1790, be and the same is hereby revived.—

Commis-  
sioner of  
highways  
in Hudson.

*And be it further enacted* That so much of the act hereby amended, as contemplates the election of three commissioners of highways in and for the City of Hudson be and the same is hereby repealed, and the mayor, recorder, aldermen & commonalty of the said city for the time being, shall forever hereafter be commissioners of highways in and for the said City of Hudson.

Moneys  
raised for  
bridge pur-  
poses to be  
paid to  
commis-  
sioners.

*And be it further enacted*, That where any sum or sums of money may have been paid into the hands of any collector, town clerk or other officer of any of the towns of this State for the purposes of erecting or repairing bridges and improving highways by virtue of any former law, the same shall be paid into the hands of the commissioner of the highways of the respective towns where any such sums may have been collected, to be supplied to the several objects for which the said several sums of money were raised and collected.

Construc-  
tion of sec-  
tion ex-  
plained.

*And be it further enacted* That the provision contained in the nineteenth section of the act hereby amended shall be construed to extend as well to all highways, the laying out of which shall have been recorded in the clerks office of the county, as to those recorded in the town clerk's office and shall be deemed, and taken as public highways, anything in the before recited act to the contrary notwithstanding.

Swinging  
gates in  
Westches-  
ter county.

*And be it further enacted* That swinging or other gates allowed by law prior to the twenty first day of March last, on public highways or private roads in the county of Westchester are hereby permitted at the discretion of the commissioners of highways of the town in which the same are, the said gates being kept in good repair by the owner or owners thereof.—

Mile  
stones.

*And be it further enacted* That it shall be the duty of the superintendants of highways in the several counties in this State, to cause

mile boards or stones to be erected on the post roads and such other of the public county roads in their respective counties as they may think proper, at the distance of one mile from each other, with such fair and legible inscriptions or directions as they may think proper; and it shall be the duty of the several boards of supervisors in this State at their next annual meeting to cause to be levied collected and paid to the superintendants of their respective counties such sum or sums as the said supervisors shall deem sufficient for the purposes above mentioned, and the said superintendants shall account to the boards of supervisors of their respective counties on or before the last Tuesday in May in the year one thousand eight hundred for all monies to come into their hands.—

*And be it further enacted* That if any person or persons shall destroy, remove, injure or deface such mile boards or stones, they shall be liable to pay ten dollars for each mile board or stone so destroyed, removed, injured or defaced, to be recovered with costs of suit before any justice of the peace of the county where the offence shall be committed, which penalties so levied and collected shall be paid to the superintendants or any one of them in the county where such offences shall be committed, and it shall be the duty of the superintendants forthwith to repair the mile boards or stones so injured or removed out of the monies arising from such penalties.—

Penalty for  
defacing  
mile  
stones.

## CHAP. 36.

### AN ACT for the appointment of a treasurer.

PASSED the 16th of March, 1798.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That Robert McClallen shall be and he hereby is constituted and appointed treasurer of this State, to continue in office until sixty days after the first meeting of the legislature of this State, after the first day of January next.

Robert  
McClallen  
appointed  
State  
treasurer.

*And be it further enacted* That the said Robert McClallen before he shall take upon him the execution of the said office, shall within eight days after the passing of this act, appear before one of the justices of the supreme court of this State, and take the following oath, vizt: "I Robert McClallen appointed treasurer of the State of New York, do solemnly and sincerely swear and declare in the presence of Almighty God that I will during my continuance in the said office, well, faithfully and honestly to the best of my knowledge and ability, execute all & every of the duties appertaining to the said office, and that I will not on any occasion or pretence, apply any money, securities or other effects, which may or shall come into my hands belonging to the said State, to any private use or purpose whatsoever, and that whenever called on by the legislature, I will exhibit a true account of such monies, securities and other effects, under this my oath of office, so help me God."

Oath of  
office.

*And be it further enacted,* That the said Robert McClallen shall within eight days after the passing of this act, give bond to the people of this State with not less than four sufficient sureties to be approved of by the chief justice of the State, and the speaker of the assembly in the sum of fifty thousand dollars with a condition that the said Robert McClallen shall and will, well faithfully and honestly execute

Bond to be  
given.

and perform the duties of the office of treasurer of this State, and that he will not during his continuance in office be concerned directly or indirectly in any trade or merchandize whatsoever after the first day of May next, which bond when so taken, shall be lodged in the office of the secretary of this State.

Annual report to be made.

*And be it further enacted* That the said Robert McClallen shall annually lay before the legislature a true and exact statement of the balance in the treasury and due to the people of this State, with a summary of the receipts and payments of the treasury during the year preceding.—

Transfer of records of the office.

*And be it further enacted* That as soon as may be after the passing of this act, that Gerard Bancker late treasurer of this State, be and he hereby is authorized and directed in the presence of Richard Varick, Henry Rutgers and Daniel McCormick or of any two of them, to deliver the books of loan office accounts, and the books of the account of mortgages, bonds, obligations and assurances belonging to the people of this State, or copies thereof, to the present treasurer of this State.

Statements of moneys due the State.

*And be it further enacted* That the present treasurer of this State shall as soon as may be, make out a statement of the monies due from the loan officers of the respective counties in this State, and of the sums due on the mortgages, bonds, obligations and assurances belonging to the people of this State from the books so delivered to him as aforesaid, and shall deliver the same certified under his hand to the comptroller of this State.—

Payments on mortgages to loan officers.

*And be it further enacted* That all payments which shall from time to time become due on the said mortgages, bonds, obligations and assurances, and which shall become due from the loan officers in the respective counties in this State, and which shall be certified to be so due by the comptroller shall be made to the treasurer of this State, and his receipt for the same shall be taken to the comptroller who shall countersign the same, and enter it in the proper books for that purpose in his office to the credit of the person for whom such payment shall be made, and no receipt, unless so countersigned, shall be deemed good evidence of such payment.

Committees to examine accounts.

*And be it further enacted* That Richard Varick, Henry Rutgers and Daniel McCormick shall examine the accounts of Gerard Bancker since the last examination by John Broome and William W. Gilbert, and shall ascertain the balance due from him to this State, which balance being certified by the comptroller shall by the said Gerard Bancker be paid and delivered to the present treasurer of this State.

Banks of deposit.

*And be it further enacted* That the banks of New York & Albany shall be the places of deposit for all the monies which may at any time be in the treasury of this State, and the treasurer is hereby directed and required to deposit all monies which may from time to time come into his hands on account of this State, in one or the other of the said banks, within three days after receiving the same, and the monies so deposited by the treasurer shall be placed to his account as treasurer.

Allowance to treasurer.

*And be it further enacted* That the said Robert McClallen shall be allowed to retain as a compensation for his services and expences, including clerk hire, office hire and stationary, the sum of fifteen hundred dollars a year, in quarter yearly payments, for which the comptroller shall give his warrant, as the same shall become due.

Part of act recited repealed.

*And be it further enacted* That such parts of the act entitled “An act for the support of government,” passed the 11th of April 1792 as relate to a provision for the compensation and expences of the treasurer of this State, shall be and hereby are repealed.

## CHAP. 37.

AN ACT to divide the town of Saraghtoga & for other purposes.

PASSED the 16th of March, 1798.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That from and after the first Monday in April next, all that part of the town of Saraghtoga in the county of Saratoga bounded as follows vizt. Beginning on Hudsons river at the northeast corner of the tenth general allotment of the patent of Kayadarosseras, from thence along the north bounds thereof, and the north bounds of the ninth and sixteenth allotments of the said patent, west to the southeast corner of the town of Greenfield, thence northerly along the east bounds thereof to the middle of Hudsons river, thence down the said river on the bounds of the county of Washington to a point due east from the place of beginning, thence west to the place of beginning shall be and hereby is erected into a separate town by the name of Northumberland, and the first town meeting in the said town of Northumberland shall be held at the dwelling house of Nathan Hinkley in said town; and that all the remaining part of the said town of Saraghtoga, shall be and remain a separate town by the name of Saraghtoga; and the first town meeting therein shall be held at the dwelling house of Giles Slocum in the same town.

Northumberland,  
town of,  
erected.

*And be it further enacted* That the poor as well as the monies belonging to the said town previous to the said division thereof, either in the hands of the overseers of the poor, or any other person, shall be divided between the said two towns, agreeably to the wealth of each town to be ascertained by the last annual tax list of the said town of Saraghtoga; as as soon as may be after the second Tuesday of April next, the supervisors and overseers of the poor of the said towns of Northumberland and Saraghtoga or a majority of them, shall, by notice to be given to each other for that purpose, meet together at the house of the said Giles Slocum, and make such division as aforesaid, and each town shall forever thereafter maintain their respective poor.

Division of  
the poor.

*And be it further enacted* That each of the said towns respectively, and the officers to be by them elected, shall have the same powers, be entitled to the same privileges and be subject to the like penalties and restrictions, as the other towns and town officers in this State are by law entitled & subject to.

Privileges  
of towns.

*And be it further enacted,* That the act entitled "An act for apportioning the poor of the late town of Saraghtoga among the towns therein mentioned and for other purposes," passed the 1st day of April 1797 be and hereby is revived, and the time for the meeting of the commissioners mentioned in the said act, is hereby prolonged to the second Tuesday of September next, or within ten days thereafter, and the settlement by the said commissioners is to be made in the same manner, as if this act had not been passed.

Act recited  
revived.



## CHAP. 38.

### AN ACT relative to the treasury of this State.

PASSED the 19th of March, 1796.

Transfer of  
stocks  
held in  
treasurer's  
name.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That Gerard Bancker the late treasurer of this State shall be, and hereby is authorized and directed as soon as may be after the passing of this act, to transfer to the people of the State of New York, the stock which stands in his name in the books of the United States, and which he holds in trust for the people of this State and which is usually denominated three per cent stock; also the shares which he holds in trust for the people of this State in the Bank of the United States, and in the Bank of New York, and the shares in the Inland Lock Navigation Companies in this State, and also all mortgages, bonds, obligations and assurances for money given to him as treasurer of this State, or in trust for or on behalf of the people of this State.

Transfer  
by comp-  
troller.

*And be it further enacted,* That the comptroller of this State shall as soon as may be after the passing of this act, transfer to the people of the State of New York, the shares which stand in his name, and which he holds in trust for the people of this State in the Bank of Albany.

Deposit of  
certificates

*And be it further enacted,* That the certificates for the three per cent stock, for the shares in the bank of the United States, and in the Bank of Albany, shall be deposited in the Bank of New York and the certificates for the shares in the Bank of New York and in the Inland Lock Navigation Companies shall be deposited in the bank of Albany.

Bank of  
New York  
to collect  
certain  
moneys.

*And be it further enacted* That the president, directors and company of the Bank of New York be and they hereby are authorized to receive the interest which shall from time to time become due on the three per cent stock, and the dividends which shall from time to time be made on the shares belonging to the people of this State in the bank of the United States, and the monies so received shall be credited to the people of this State, and shall be paid to the treasurer of this State on the order of the comptroller.

Treasurer  
to receive  
dividends.

*And be it further enacted,* That the treasurer of this State shall on the order of the comptroller receive the dividends which shall from time to time be made on the shares belonging to the people of this State in the Bank of New York, in the Bank of Albany and in the Inland Lock Navigation Companies respectively.

Comptrol-  
ler to vote  
for stock-  
holders.

*And be it further enacted,* That the comptroller of this State shall be and hereby is authorized and directed to vote for directors in the Bank of the United States, in the Bank of New York, in the Bank of Albany, and in the Inland Lock Navigation Companies respectively either in person or by proxy on behalf of this State.

Convey-  
ances to be  
deposited  
in secre-  
tary's  
office.

*And be it further enacted,* That all deeds and conveyances other than mortgages belonging to the people of this State shall be deposited in the office of the secretary of this State, and that all mortgages, bonds, obligations and assurances for money, given to the people of this State or transferred to the people of this State by Gerard Bancker late treasurer agreeably to the directions of this act, and that all mortgages, leases and bonds now in the hands of the surveyor general and belonging to the people of this State, and all such as shall hereafter be taken by him in behalf of the people of this State, shall be delivered

to the comptroller and shall be deposited and kept in his office; but all payments thereon shall be made to the treasurer of this State.

*And be it further enacted,* That all receipts for money hereafter to be paid to the treasurer of this State shall be taken to the comptroller who shall countersign the same and enter them in the proper book or books for that purpose in his office to the credit of the person for whom such payment shall be made, and no receipt unless so countersigned shall be good evidence of such payment.

Receipts to be countersigned by comptroller.

*And be it further enacted,* That all the books in the treasury containing the accounts of the auctioneers or vendue masters in the city of New York, or copies of all such of their accounts as remain unsettled, and all the books containing checks of certificates issued by the treasurer or by any other person or persons for or on account of this State, shall be delivered to the comptroller and be deposited and kept in his office.

Certain account books to be deposited with comptroller.

*And be it further enacted,* That it shall and may be lawful for the loan officers in the several counties in the southern and middle district of this State to make their payments to the Bank of New York, for the use of this State, and the sums so paid shall be credited by the said bank to the treasurer of this State, and the receipts for the same shall be immediately transmitted by the person making such payment to the comptroller who shall thereupon certify the same to the treasurer, and charge him with the amount thereof.

Payments by loan officers.

*And be it further enacted,* That the auctioneers or vendue masters in the city of New York shall hereafter exhibit their accounts under oath to the mayor of the said city in the same manner as they have heretofore been required to exhibit them to the treasurer of this State, and shall pay the amount of duty upon such account of sales to the Bank of New York, for the use of this State, within the time heretofore limited for the payment of the like accounts to the treasurer; which monies shall be credited by the said bank to the treasurer of this State, and the account with the oath endorsed and the receipt for the payment of the money to the bank, shall by the person rendering such account and making such payment be immediately transmitted to the comptroller to be filed in his office, and the comptroller shall thereupon certify the same to the treasurer and charge him with the amount thereof.

Accounts of auctioneers.

*And be it further enacted,* That Daniel McCormick, William W. Gilbert, John Broome, Robert Benson and Nicholas Hoffman or any three of them, shall as soon as conveniently may be, meet at the office of the said Gerard Bancker who shall thereupon there deliver unto them, all the bills in the treasury called new emission, and also all certificates belonging to the State, as well such as have not been issued as such as have been redeemed, together with a list of the denominations of such bills and list of all such certificates containing the date and amount of every such certificate, and the number and value thereof and they shall compare the said bills and certificates with the respective lists thereof, and then destroy the said bills and certificates by burning the same to ashes, and shall certify that they have destroyed the bills and certificates mentioned and designated in such lists, and shall deliver the same lists so certified to the treasurer, and transmit copies thereof so signed and certified to the comptroller.

Committee to destroy bills and certificates

*And be it further enacted,* That as soon as the said bills and certificates shall be destroyed as aforesaid, the said Daniel McCormick, William W. Gilbert, John Broome, Robert Benson and Nicholas Hoffman or any three of them, shall cause an account or inventory to be

Inventory of State property.

taken of all the books, papers and property in the treasury not otherwise disposed of by this act, belonging to the people of this State, and then deliver the same books, papers and property to the present treasurer to be kept in his office, taking his receipt for the same at the foot of such account or inventory, which shall be deposited in the office of the comptroller; and it shall be sufficient in such account or inventory, as to the papers, to mention and describe the several bundles, without mentioning the several papers contained therein.

Committee  
to superin-  
tend trans-  
fer.

*And be it further enacted,* That Richard Varick, Henry Rutgers and Daniel McCormick shall superintend the transfers, and take such measures as they may deem safe and proper to cause the deposits hereinbefore mentioned to be made, in conformity to the directions in this act contained, and shall deliver the receipts for the same deposits to the treasurer of this State.

When  
bond to  
Gerard  
Bancker  
to be dis-  
charged.

*And be it further enacted,* That as soon as the said Daniel McCormick, William W. Gilbert, John Broome, Robert Benson and Nicholas Hoffman, or any three of them, shall certify under their hands and seals to the secretary of this State that the said Gerard Bancker has in all respects complied with the directions of this act, and the act entitled "An act for the appointment of a treasurer" passed the present session, the secretary of this State shall cancel and deliver to Gerard Bancker late treasurer of this State, the bonds given by him and his sureties to the people of this State, and the said Gerard Bancker shall thereupon be exonerated and discharged from any further duty as treasurer of this State.

Salary of  
Gerard  
Bancker.  
Salary of  
committee.

*And be it further enacted,* That the said Gerard Bancker shall be entitled to his salary as treasurer until the first day of May next.

*And be it further enacted,* That the said Daniel McCormick, William W. Gilbert, John Broome, Robert Benson and Nicholas Hoffman shall be respectively entitled to receive for each day they shall be respectively employed in the business aforesaid, the sum of four dollars, to be paid by the treasurer of this State out of any money in the treasury.

Persons to  
cancel cer-  
tain bills  
of credit.

*And be it further enacted,* That instead of the persons heretofore appointed to cancel the bills of credit emitted in pursuance of the statute entitled "An act to take out of circulation the bills of credit emitted by law, and to emit others, as a substitute," Abraham Ten Broeck, Jeremiah Van Rensselaer and Barent Bleeker and the survivors of them shall be and hereby are authorized and appointed to cancel the same; and the treasurer shall annually on the first Monday in November deliver to them for that purpose such sum in the said bills as shall have been paid into the treasury during the year preceding on account of the loan made to the several counties in the year of our Lord one thousand seven hundred and eighty six, and the comptroller shall give his warrant to the treasurer for that purpose.

**CHAP. 39.**

**AN ACT** to enable the mayor, recorder and aldermen of the city of New York to order the raising monies by tax for the maintenance of the poor, and for defraying the other contingent expences arising in the city and county of New York.

PASSED the 20th of March, 1798

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That the mayor recorder and aldermen of the city of New York, as the supervisors of the city and county of New York, or the major part of them, of whom the mayor or recorder shall be one, be and they are hereby authorized and empowered as soon as conveniently may be after the first day of May next, to order the raising a sum not exceeding sixty three thousand two hundred and fifty dollars, by a tax on the estates real and personal of the freeholders and inhabitants within the said city and county of New York to be applied to. the support and maintenance of the poor of the said city and county, the compleating the new-almshouse, and to repay the monies borrowed for that purpose, the making repairs and improvements to the gaol and bridewell, the substituting criminal prisoners in gaol, the repairing of the public roads, and regulating and improving the streets, and the defraying the other contingent expences arising within, and properly chargeable to the said city and county.

Tax levy  
in New  
York city  
for con-  
tingent  
purposes.

*And be it further enacted* That the said mayor, recorder and aldermen of the city of New York or the major part of them, of whom the said mayor or recorder shall be one, be and they are hereby authorized and empowered as soon as conveniently may be after the first day of May next, to order the raising a further sum not exceeding the sum of thirty six thousand five hundred and eighty three dollars and twenty five cents, by a tax on the estates real and personal of the freeholders and inhabitants within the said city, on the south side of a line beginning at the outlet of the meadow of Anthony Lisenard into Hudsons river, thence to and along the north side of the dwelling house of Nicholas Bayard, thence along the middle of William street to and across the Bowery lane to Bullock street, thence along the middle of Bullock street to the East river, to be applied to the payment of so many watchmen as the mayor aldermen and commonalty of the city of New York in common council convened shall from time to time determine to be necessary for guarding the said city, the purchasing of oil, providing lamps, and repairing and attending the lamps which now are and from time to time hereafter may be erected within the said city, the making and repairing the public wells and pumps in the said city, and the defraying the other contingent expences of the said city arising within the limits aforesaid and properly chargeable thereto, as the said mayor, aldermen and commonalty of the city of New York in common council convened shall from time to time direct, which said several sums of money shall be rated and assessed according to the estate of each respective person so to be taxed, and be collected in one payment, and paid into the hands of the treasurer or chamberlain of the said city, at such time after the said first day of May next as the said mayor, recorder and aldermen or the major part of them, of whom the said mayor or recorder shall

Tax levy  
for police  
and street  
lighting.

be one shall direct and appoint, any thing in the second section of the act entitled "An act for the more effectual collection of taxes in the city and county of New York" contained to the contrary notwithstanding.

Fees of  
collectors  
and treas-  
urer.

*And be it further enacted* That it shall be lawful for the collectors of the first, fourth, fifth and sixth wards of the said city, to retain in their hands five cents in each dollar, and for the collectors of the seventh ward of the said city, to retain in their hands six cents in each dollar, and the collectors in the several other wards of the said city four cents in each dollar and no more for their trouble in collecting and paying to the treasurer or chamberlain of the said city, such sums of money as shall be raised by virtue of this act; and that it shall be lawful for the said treasurer or chamberlain to retain in his hands three fourths of a cent in each dollar and no more, for his trouble in receiving and paying the said monies.

## CHAP. 40.

### AN ACT to incorporate the firemen of the city of New York.

PASSED the 20th of March, 1798.

Preamble.

WHEREAS the firemen of the city of New York have by their petition to the legislature prayed to be incorporated the more effectually to enable them to provide adequate funds for the relief of disabled and indigent firemen and for the purpose of extinguishing fires: Therefore

Fire de-  
partment  
of New  
York city  
incorpor-  
ated.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That all such persons as now are or hereafter shall be engineers of the fire department or firemen belonging to any of the fire engines of the city of New York, shall be and hereby are ordained, constituted and declared to be and continue until the first Tuesday in April, one thousand eight hundred and eighteen a body politic in fact and in name by the name of the "Fire Department of the city of New York," and that by that name they and their successors for the term aforesaid shall and may have succession and shall be persons in law capable of suing and being sued pleading and being impleaded answering and being answered unto defending and being defended in all courts and places whatsoever in all manner of actions, suits, complaints, matters and causes whatsoever and that they and their successors may have a common seal and may change and alter the same at their pleasure; and also that they and their successors by the name of the fire department of the city of New York shall be in law capable of purchasing, holding and conveying any estate real or personal for the use of the said corporation. *Provided* that the amount of the real and personal estate of the said corporation shall not at any time exceed the sum of twenty thousand dollars.

Represent-  
atives to  
be chosen.

*And be it further enacted,* That the engineers belonging to the said fire department shall on or before the first day of December in every year choose one representative, each company of eighteen firemen, two representatives, and under eighteen firemen one representative who shall have and exercise all such powers as are herein after committed to them.

*And be it further enacted,* That the said representatives shall choose on the second Monday of December in every year by ballot out of their own body, a president and vice president and out of the whole body of the firemen, three trustees, a treasurer, secretary and collector. That the first representatives shall be, Daniel Hitchcock, Thomas Tom, Nicholas Van Antwerp, James Parsons junior, William Hardenbroch, Matthias Nack, Samuel Lord, Nicholas Roome, Leonard Rogers, Cornelius Brinckerhoof, Joseph Smith, Israel Haviland, John Pritchett, James Robinson, Robert McCullen, Augustus Wright, William Hunter, Elijah Pinckney, Isaac Hatfield, Garret Debow, Adam Pentz, John Perrin, Adam Hartell, Moses Smith, William Brown, John Lent, John Utt, Uziah Coddington, Junior, Peter Embury, James Van Dyck, Thomas Timpson, Joseph Newton, William DeGrove, William Baker, Thomas Demilt, William A. Hardenbroch, Isaac Tirboss, Henry Rogers, John Dominick and Joseph Webb. That Daniel Hitchcock shall be the first president, that Thomas Tom shall be the first vice president, that Frederick Devoe, Jacob Sherred, James Stewart, John Striker, James Tylee, Benjamin Strong, Thomas Brown, Stephen Smith and Christopher Halstead shall be the first trustees. That Nicholas Van Antwerp shall be the first treasurer, and James Parsons Junior the first secretary and Martin Morrison the first collector, to hold their respective offices and places until others are appointed in their stead agreeable to the provision of this act. That the said trustees shall class themselves in three classes, number one shall go out of office the first year number two the second year, and number three the third year that the said trustees shall manage the affairs and dispose of the funds of the corporation according to the by laws rules and regulations of the said corporation from time to time made and established by the said representatives. That the trustees shall choose a president who shall have a right to convene them when he thinks proper at least once a year; that the treasurer shall give security to the trustees for the faithful performance of his trust, and shall at every annual meeting of the representatives render them an account of the state of the funds. That the representatives shall at their meetings have a right to enquire into, and controul the application of their funds, and to displace any of the trustees and officers if guilty of misconduct and elect others in their stead. That a majority of the said representatives and also of the said trustees shall respectively be a quorum to do business. That in case of a vacancy in the office of representatives such vacancy shall be filled up by the company from which he is deputed for the remainder of the year by a special election to be held for that purpose, and that in case of a vacancy in the office of president, vice president, treasurer, secretary, collector or any of the trustees such vacancies shall be filled up by the representatives for the remainder of the year by a special election to be held for that purpose.

First representatives.

*And be it further enacted,* That two thirds of a quorum of the said representatives shall have full power to make and prescribe such by-laws, rules, ordinances and regulations as to them from time to time shall appear needful and proper touching the management and disposition of their funds for the purposes aforesaid, and touching the meetings of the said corporation both special and ordinary except the second Monday in December in every year which is hereby declared to be their annual meeting and touching the duties and conduct of their officers and trustees and touching all such other matters as appertain to the business, ends and purposes for which the said corporation is by this act instituted and for no other purpose whatsoever. *Provided that*

Powers of representatives.

such bye laws rules, ordinances or regulations be not repugnant to the constitution or the laws of the United States or of this State.

Failure to elect not to dissolve corporation.

*And be it further enacted,* That in case any election shall not be made on any day when pursuant to this act it ought to have been made the said corporation shall not on that account be deemed to be dissolved, but that it shall and may be lawful on any other day to hold and make such election in such manner as shall have been regulated by the bye laws and ordinances of the said corporation.

How funds to be appropriated.

*And be it further enacted,* That the funds of the said corporation which shall arise from chimney fines, certificates and donations, and from such other objects as may have been heretofore or may be hereafter agreed on by the respective fire companies, shall be appropriated to the relief of such indigent or disabled firemen or their families as may be interested therein, and who may in the opinion of a majority of the trustees be worthy of assistance, but if they shall amount to a greater sum than the trustees may think necessary to apply to the said purposes then the said representatives shall have power to apply such surplus to the purpose of extinguishing fires under such limitations and restrictions as they may with the sanction of the corporation of the city of New York deem proper.

Act declared a public act.

*And be it further enacted,* That this act is hereby declared to be a public act, and that the same shall be construed in all courts and places benignly and favorably for every beneficial purpose hereby intended.

## CHAP. 41.

AN ACT to incorporate the stockholders of the United Insurance Company in the city of New York.

PASSED the 20th of March, 1798.

Preamble.

WHEREAS Nicholas Low and others, associated as a company, under the style of the United Insurance Company in the city of New York, by their petition presented to the legislature, have prayed for the privilege of being incorporated, to enable them to better carry on, and to extend the business of the maritime insurance, and of insurance upon houses goods and lives, which are the useful purposes of their institution. Therefore

United Insurance Company incorporated.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That all such persons as now are or hereafter shall be stockholders of the said company, shall be and hereby are constituted and declared to be from time to time and until the first day of May which will be in the year of our Lord one thousand eight hundred and nine, a body corporate and politic, in fact and in name, by the name of the "United Insurance Company in the City of New York," and that by that name, they and their successors until the said first day of May, one thousand eight hundred and nine, shall and may have continual succession, and shall be capable in the law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and that they and their successors may have a common seal, and may change and alter the same at their pleasure,

and by the said name be capable of purchasing, holding and conveying any estate real or personal for the use of the said corporation, subject to the restrictions herein after mentioned.

*And be it further enacted,* That a share in the stock of the said corporation shall be five hundred dollars, and the number of shares shall not exceed, one thousand; and if the said number of shares are not already filled, subscriptions shall be kept open under the inspection of the president and directors of the said company until the same shall be filled; and the whole amount of the stock estate and property which the said corporation shall be authorized to hold, shall never exceed five hundred thousand dollars.

Capital  
stock.

*And be it further enacted,* That the stock property affairs and concerns of the said corporation shall be managed and conducted by seventeen directors, one of whom shall be the president thereof, who shall hold their offices for one year, and until others shall be chosen and no longer, which directors shall at the time of their election be stockholders and citizens of this State, and shall be elected on the second Monday in February in each and every year, at such time of the day, and at such place in the city of New York, as a majority of the directors for the time being shall appoint of which election, public notice shall be given in at least two of the newspapers printed in the city of New York, and continued for the space of ten days immediately preceding such election, and such election shall be holden under the inspection of three stockholders, not being directors, to be appointed previous to every election by the directors, and shall be made by ballot by a plurality of votes of the stockholders present, allowing one vote for every share and the stockholders not present at such election may vote by proxy, provided the proxy be derived directly from such stockholders and the votes given be given by citizens of the United States, inhabiting this State.

Directors,  
how  
chosen.

*And be it further enacted,* That the directors so to be chosen, shall meet as soon as may be after every election, and shall choose out of their body, one person to be president who shall preside for one year, and be sworn, faithfully to discharge the duties of his office; and in case of the death resignation or inability to serve of the president, or any director, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by a special election for that purpose to be held in the same manner as is herein before directed respecting annual elections for directors and president. And the first directors shall be Nicholas Low, Richard Varick, Richard Harison, John Murray, William Mintern, Thomas Buchanan, Robert Bonne, Robert Lenox, Cornelius Bay, John B. Coles, William Henderson, John Shaw, Daniel Ludlow, John Delafield, Nicholas Cruger, Philip Livingston and Daniel McCormick, of whom the said Nicholas Low shall be the first president, and they shall respectively hold their offices until the second Monday in February next.

Officers:  
first board  
of directors.

*And be it further enacted,* That in case it should at any time happen, that an election of directors should not be made on any day, when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day, to hold and make an election of directors in such manner as shall have been regulated by the laws and ordinances of the said corporation.

Failure to  
elect not to  
dissolve  
corporation.

*And be it further enacted,* That the president and eight of the directors, or nine of the directors in the absence of the president, shall be a board competent for the transaction of business, and all questions

Quorum;  
powers of  
directors.



before them shall be decided by a majority of voices; and they shall have power to make and prescribe such bye-laws, rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation and the transfer of shares, and touching the duties and conduct of the secretary, officers, clerks and servants employed, and the election of directors, and all such other matters as appertain to the business of insurance, and shall also have power to appoint a secretary and so many clerks and servants for carrying on the said business, and with such salaries and allowances to them, and to the president, as to the said board it shall seem meet; *provided always* that such bye-laws, rules and regulations shall not be repugnant to the constitution or laws of this State.

Stated  
meetings;  
power of  
committee.

*And be it further enacted,* That there shall be stated meetings of the directors at least once in every month, and as often within each month as the president and board of directors shall deem proper; and the president and a committee of four of the directors to be by him appointed in rotation, shall assemble daily, if need be for the dispatch of business, and the said board of directors and the committee aforesaid at and during the pleasure of the said board, shall have power and authority on behalf of the corporation to make insurances upon vessels, freight and goods, and houses and stores, and goods in houses and stores, and furniture in houses, and on lives, and for the ransom of persons in captivity, and in cases of money lent upon bottomry and respondentia, and to fix premiums and times of payment; and all policies of insurance by them made, shall be subscribed by the president and countersigned by the secretary, and shall be binding and obligatory upon the said corporation, and have the like effect and force, as if under the seal of the said corporation, and the assured may thereupon maintain an action upon the case against the said corporation; and all losses arising under any policy so subscribed, may be adjusted and settled by the president and board of directors, and the same shall be binding on the corporation.

Dividends  
to be de-  
clared;  
losses.

*And be it further enacted,* That it shall be the duty of the directors, on the first Monday in February and August in every year, to make a dividend of so much of the profits of the said corporation, as to them, or a majority of them shall appear advisable, but the monies received and notes taken for premiums on risques which shall be undetermined and outstanding at the time of making such dividend, shall not be considered as a part of the profits of the corporation; and in case of any loss or losses whereby the capital stock of the corporation shall be lessened, no subsequent dividend shall be made, until a sum equal to such diminution and arising from the profits of the corporation, shall have been added to the capital; and that once in every three years, and oftener if thereunto required by a majority of the votes of the stockholders, the directors shall lay before the stockholders at a general meeting for their information, an exact and particular statement of the surplus of profits, if any there be, after deducting losses and dividends.

Right to  
hold real  
estate.

*And be it further enacted,* That the lands tenements and hereditaments which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accomodation in relation to the convenient transaction of its business, or such as shall have been *bona fide* mortgaged to the said corporation by way of security, or which may be conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon

judgments which it shall have obtained for such debts. And with regard to all such lands tenements and hereditments so to be held by the said corporation as aforesaid, except such as may be for its immediate accomodation as aforesaid, or such as it may hold by way of mortgage, and whereof the actual possession shall be, and remain in the mortgagors their heirs or assigns, the said corporation shall be bound to sell and dispose of the same respectively, within five years after it shall acquire the same, and shall not be capable of holding the same after the expiration of the said five years, but the same shall be immediately after the expiration of the said five years be forfeited to and vested in the people of this State.

*And be it further enacted* That the said corporation shall not directly or indirectly, deal or trade in buying or selling any goods, wares, merchandizes or commodities whatsoever; or in buying or selling any stock created by any act of the Congress of the United States, or of any particular State, unless by purchasing for the purpose of investing its capital stock, or any part or parts thereof in the same for the greater security, or by selling for the payment of its debts, or when such stock shall have been truly pledged to it by way of security for debts due to the said corporation. *And further* it shall not be lawful for the said corporation to issue or emit any notes or bills, or make any contract for the payment of money only, except the same be under the seal of the said corporation, and all such notes bills and contracts, shall be construed and taken, to be specialties, and shall not possess any other or greater power of being assigned or transfered, than specialties at common law.

*And be it further enacted*, That no person being either singly by himself or as a partner with one or more persons, a member of any other insurance company in the city of New York, shall be eligible for a director of the said insurance company.

*And be it further enacted* That this act shall be, and it is hereby declared to be a public act, and that the same be for the time herein before limited, construed in all courts and places benignly and favourably for every beneficial purpose therein intended.

*And be it further enacted* That in respect to all debts contracted by the said corporation before the said first day of May which will be in the year one thousand eight hundred and nine, the persons composing the said corporation at the time of its dissolution, shall be responsible in their individual and private capacity, to the extent of their respective shares, and no further, in any suit or action to be brought or prosecuted after the dissolution of the said corporation.

## CHAP. 42.

AN ACT for granting an additional term of the court of common pleas in the county of Delaware.

PASSED the 20th of March, 1798.

*Be it enacted by the People of the State of New York represented in Senate and Assembly*, That there shall be an additional term of the court of common pleas held in and for the county of Delaware, on the first Tuesday of June in every year at the place where the said court of common pleas is now held in and for the said county of Delaware, and may continue and be held until the Saturday following inclusive.

Certain business not be engaged in.

Eligibility of directors.

Act declared a public act.

Stockholders liable on dissolution.

Additional term of court in Delaware county.

## CHAP. 43.

**AN ACT to erect part of the towns of Middletown Kortright and Walton in the county of Delaware into a separate town.**

PASSED the 23rd of March, 1798.

Delhi,  
town of,  
erected.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That all that part of the county of Delaware, beginning at a monument on the Cookquago branch of Delaware river in the town of Walton on the south side of Lake's patent, thence westerly on the line of said patent until it intersects the division line between the towns of Franklin and Walton, thence northerly on said division line to the south bounds of the town of Kortright, thence continuing the same course until it intersects the southerly bounds of a tract of land granted to Goldsbrow Banyar, thence easterly and southerly on said bounds till it strikes the Delaware river, thence up the same to the southerly bounds of the town of Stamford, then easterly on said southerly line six miles to a monument, then southerly on a direct line across the highlands to a monument placed on the northerly bounds of the town of Colchester six miles from the Delaware river, then westerly on the division line between the towns of Colchester and Middletown to the Delaware river, thence down the same to the place of beginning shall be and hereby is erected into a separate town by the name of Delhi; and further that the freeholders and inhabitants of said town shall be and hereby are empowered to hold town-meetings and elect such town officers as the freeholders and inhabitants of any town in the county of Delaware may do by law: and that the freeholders and inhabitants of said town and the town officers by them to be elected, shall have the like powers and privileges, as the freeholders inhabitants and town officers of any other town in the said county are or shall be entitled to; and the first town meeting shall be holden at the house of Levi Baxter in said town of Delhi.

Division of  
the poor.

*And be it further enacted* That as soon as may be after the first Tuesday of April next, the supervisors and overseers of the poor of the towns of Middletown, Kortright, Walton and Delhi aforesaid shall by notice to be given for that purpose by the supervisors of the towns aforesaid, meet together and apportion the poor maintained by the aforesaid towns previous to the division thereof together with the money belonging to the same, between the said towns in a just and equitable manner; and if the supervisors and overseers of the poor cannot agree upon such division as aforesaid, then and in such case, the supervisors of the county shall at their next meeting apportion and divide the poor and money as aforesaid in such manner as shall appear to them just and equitable and the said towns shall thereafter maintain their own poor.

## CHAP. 44.

AN ACT to divide the town of Canajoharie into two towns.

PASSED the 28rd of March, 1798.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That all that part of the town of Canajoharie in the county of Montgomery contained within the following boundaries, to wit. Beginning at the Mohawk river where the Otsquago creek falls into the river, from thence up the middle of the said creek to its junction with the Otsquene creek, from thence with a straight line to the north east corner of Springfield patent, in the division line of the counties of Otsego and Montgomery, from thence along said line westerly to the north west corner of the aforesaid Springfield patent, thence along the division line of the counties of Herkimer and Montgomery to the Mohawk river, thence down along the said river to the place of beginning, shall be and hereby is erected into a separate town by the name of Minden and that the first town meeting in said town shall be held at the house of Joseph House. Minden,  
town of,  
erected.

*And be it further enacted,* That the remaining part of the town of Canajoharie be and remain a town by the name of Canajoharie, and that the first town meeting be held at the house of John Roof. Canajo-  
harie.

*And be it further enacted,* That the freeholders and inhabitants of said town respectively be and hereby are empowered to hold town meetings and elect town officers and enjoy all the privileges which freeholders and inhabitants of the other towns within this State may do by law. Town  
officers.

*And be it further enacted,* That as soon as may be after the first Tuesday of April next the supervisors and overseers of the poor of the towns of Minden and Canajoharie shall by notice to be given by the supervisors of the towns of Minden and Canajoharie aforesaid, for that purpose meet together and apportion the poor maintained previous to the division thereof, by the said town, and also to divide all money, which now is, and will be in the hands of the overseers of the poor, previous to the division thereof in an equitable manner, and if the supervisors and overseers of the poor cannot agree upon such division of the poor and money aforesaid, then and in such case the supervisors of the county shall at their next annual meeting apportion and divide the poor and money as aforesaid in such manner as shall appear to them most just and equitable. Division of  
the poor.

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## CHAP. 45.

AN ACT to divide the town of Woodstock in the county of Ulster.

PASSED the 23d of March, 1798.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That all that part of the town of Woodstock in the county of Ulster, beginning at the easternmost corner of Middletown in the county of Delaware, running from thence easterly to the Windham,  
town of,  
erected.

north end of Shens lake, thence north easterly to the northwest corner of Kingston and the bounds of the county of Albany, thence westerly along said bounds to the line of the county of Delaware, thence southerly and southeasterly along the same to the place of beginning, shall, from and after the first Monday in April next, be and hereby is erected into a separate town by the name of Windham; and that the first town meeting in the said town of Windham shall be held at the dwelling house of Richard Peck in the said town.

Wood-  
stock.

*And be it further enacted* That all the remaining part of the town of Woodstock shall continue to be and remain a separate town by the name of Woodstock, and that the first town meeting in the said town shall be held at the dwelling-house of the widow of Elias Hausborek deceased in the said town of Woodstock.

Town  
officers.

*And be it further enacted* That the freeholders and inhabitants of the said towns respectively shall be and hereby are empowered to hold town meetings, and elect such town officers and enjoy all the privileges, that the freeholders and inhabitants of the other towns of this State may do by law.

Division of  
the poor.

*And be it further enacted* That as soon as may be after the first Tuesday in April next, the supervisors and overseers of the poor of the towns aforesaid, shall by notice to be given for that purpose by the supervisors of the towns aforesaid, meet together and apportion the poor maintained previous to the division thereof between the said towns, in an equitable manner, and if the supervisors and overseers of the poor, cannot agree upon such division of the poor as aforesaid, then and in such case, the supervisors of the county of Ulster shall at their next meeting apportion and divide the poor maintained as aforesaid in such manner as shall appear to them just and equitable, and the said towns thereafter shall respectively maintain their own poor.

## CHAP. 46.

AN ACT to incorporate the Mutual Assurance Company of the city of New York.

PASSED the 23rd of March, 1798.

Preamble.

WHEREAS, Thomas Pearsall, Nicholas Gouverneur, John I. Glover, Robert Dale, Abraham Varick, Wynant Van Zandt, Nicholas Carmer, Ezekiel Robins, John Murray, Comfort Sands, Samuel Franklin, John Shaw, John Taylor, Gulian Verplank, John Thompson, Samuel Bowne, Robert Lenox, Leoanrd Bleecker, Moses Rogers, Robert Bowne, David Grim, Cornelius Ray, George Pollock, Joshua Jones, Andrew Vantuyt and others associated as a company under the style of the Mutual Assurance Company of New York for the useful purpose of promoting the safety and insurance of houses and other buildings from loss by fire, by their petition presented to the legislature have prayed to be incorporated the better to enable them to carry into effect their salutary object of their institution. Therefore

Mutual  
Assurance  
Company  
incorpor-  
ated.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That all such persons as now are or hereafter shall be members of the said company shall be and hereby are ordained, constituted and declared to be from time to time and until the first Tuesday in May one thousand eight hundred and eighteen a body cor-

porate and politic, in fact and in name, by the name of the Mutual Assurance Company of the City of New York, and that by that name they and their successors until the said first Tuesday in May in the year of our Lord one thousand eight hundred and eighteen shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and that they and their successors may have a common seal, and may change and alter the same at their pleasure, *and also*, that they and their successors by the name of the Mutual Assurance Company of the City of New York, shall be in law capable of purchasing, holding, and conveying any estate real or personal for the use of the said corporation *provided* that the lands, tenements and hereditaments which it shall be lawful for the said corporation to hold shall be only such as shall be requisite for the purpose of erecting a house or building thereon in which to meet and transact the business of the said corporation or such as shall have been bona fide mortgaged to it by way of security or conveyed to it in satisfaction of debts previously contracted in the course of its business, or purchased at sales on judgment which shall have been obtained for such debts; and with regard to all such lands, tenements and hereditaments so to be held by the said corporation as aforesaid except such as may be for its immediate accomodation as aforesaid; or such as it may hold by way of mortgage and whereof the actual possession shall be and remain in the mortgagors their heirs or assigns the said corporation shall be bound to sell and dispose of the same respectively within five years after it shall acquire the same, and shall not be capable of holding the same after the expiration of the said five years.

*And be it further enacted*, That all persons who now are members of the said company, or shall at any time hereafter insure in or with the said company or be allowed so to do, shall be deemed and taken for members of the said corporation, and that the property and concerns of the said corporation shall be managed and conducted by twenty four directors to be chosen by ballot by and from among the members; that the several persons who now are directors for the said company, shall be directors of the said corporation, and shall continue in office for the periods for which they were respectively elected. That the election for directors shall be held on the first Tuesday in April in every year in the city of New York, at such time of the day, and at such place as a majority of the directors for the time being shall appoint, and public notice shall be given by the said directors in two of the newspapers printed in the said city of such time and place, not more than twenty nor less than ten days previous to the time of holding the said election. That eight directors shall in each year be elected to supply the place of those who in each year go out of office, and shall continue in office three years, and until others shall be chosen in their stead, and that the rotation already determined by the said company shall be and remain the rotation of the directors of the said corporation; that if any vacancy shall happen among the said directors by death, resignation or removal, such vacancies shall be filled by a special election for the purpose, to be held in the same manner as the annual elections are made, and at such time and place as shall be provided for, by the bye laws of the said corporation. And in case it should happen that an election of directors should not be held on any day when pursuant to this act it ought to have been made, the said

Election of directors.

corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day to hold an election of directors in such manner as the bye laws of the said corporation shall have prescribed.

Directors  
to receive  
no com-  
pensation;  
eligibility.

*And be it further enacted* That the directors shall not take or receive any compensation for their services as directors, and no person serving the said corporation in the way of his trade or occupation, or being a debtor to the same, shall be eligible at a director.

By-laws.

*And be it further enacted*, That the directors for the time being or a major part of them shall have power to make and prescribe such bye-laws, rules and regulations as to them shall appear needful and proper touching the management and disposition of the stock, property, estate and effects of the said corporation, and touching the duties and conduct of the officers of the said corporation, and touching all such other matters as appertain to the business, ends and purposes which the said corporation is by this act entitled to, and shall also have power to appoint so many officers, clerks and servants for carrying on the business of the said corporation, and with such allowances as to them shall seem meet. *Provided* that such bye laws, rules and regulations be not repugnant to the constitution and laws of the United States or of this State.

Meetings  
of direc-  
tors and of  
members.

*And be it further enacted*, That the directors shall meet on the second Tuesday in every month and oftener if need be, and that there shall be a meeting of the members of the said corporation on the first Tuesday in October in every year if any five of the directors or any number of members insured to the value of twenty five thousand dollars and upwards shall require the same, that the directors shall cause notice to be given in two or more of the public newspapers printed in the city of New York, not more than fourteen nor less than seven days previous to the day of meeting and at least twenty four members of the said corporation shall be required to form a quorum and all meetings of the directors, and of the members shall be held at such place and conducted in such manner as shall be from time to time prescribed by the bye laws of the said corporation, and it shall be lawful for the members at any such meeting to make or alter the bye laws rules and regulations which by this act are authorized to be made and prescribed by the directors *provided* two thirds of the members present concur therein, and the same shall not be altered or repealed but at a meeting of the members.

President,  
selection  
of. Insur-  
ances.

*And be it further enacted*, That at the first meeting of the directors in every year next after the said annual election of the first Tuesday in April they shall choose from among themselves one person to be president who shall continue in that office for one year and until another shall be appointed in his stead and it shall be the duty of the president to preside at all meetings of the directors, and all policies of assurance of the said corporation shall be signed by the president and countersigned by a secretary or clerk, and sealed with the seal of the said corporation; and the said corporation may insure from loss by fire, houses, stores and other buildings within the city of New York, and all policies of assurance which shall be made by the said corporation in pursuance of this act shall be made upon such terms and conditions and for such length of time and confined to such parts of the said city of New York as shall be from time to time ordained and prescribed by the bye laws, rules and regulations of the said corporation, and that until it shall be otherwise ordained and prescribed, they shall be made upon the same terms and conditions and for the same

term of time, and confined to the same limits within the said city of New York as are contained in the deed of settlement of the said Mutual Assurance Company so far as the same are consistent with the regulations of this act.

*And be it further enacted*, That no transfer of any policy of assurance of the said corporation shall be valid until entered or registered in a book or books to be kept by the directors for that purpose. Transfers of policies.

*And be it further enacted*, That this act be and hereby is declared to be a public act and that the same be construed in all courts and places benignly and favorably for every beneficial purpose therein intended. How act construed.

## CHAP. 47.

AN ACT supplementary to an act entitled "An act for raising monies in the city of Hudson, for the support of a night watch.

PASSED the 28rd of March, 1798.

WHEREAS the mayor, recorder, aldermen and commonalty of the city of Hudson, have by their petition represented to the legislature, that they are authorized in and by an act entitled "An act for raising monies in the city of Hudson for the support of a night watch," to raise by tax a sum not exceeding in any one year, six hundred and twenty five dollars for the above purpose; and whereas the said mayor, recorder, aldermen and commonalty have prayed, that they might by law be authorized to appropriate so much of the above said sum towards defraying the expence of lighting the public lamps of the said city, as shall from time to time be deemed expedient; Therefore Preamble.

*Be it enacted by the People of the State of New York represented in Senate and Assembly*, That it may and shall be lawful to and for the said mayor, recorder, aldermen and commonalty to appropriate so much of the money which they are now by law authorized to raise for the support of a night watch, as they shall from time to time deem expedient, towards defraying the expence of supporting the public lamps of the said city. Expenses of public lamps.

## CHAP. 48.

AN ACT relative to the lots of land reserved for the support of the gospel and schools, and for the promotion of literature, in the military tract in the county of Onondaga.

PASSED the 28rd of March, 1798.

*Be it enacted by the People of the State of New York represented in Senate and Assembly*, That the supervisors of each of the towns in the county of Onondaga for the time being, in conjunction with such commissioners, not exceeding three in number, as the freeholders and inhabitants of any of the said towns shall at their annual town meeting respectively appoint, shall be and are hereby authorized and empowered to enter upon and take possession of the lots of land situated in the several towns for which such supervisors and commissioners Supervisors and commissioners to enter upon gospel and school lands; leases.



shall have been appointed which were designated for gospel and school lots by virtue of the act entitled "An act for the further direction of the commissioners of the land office and for other purposes therein mentioned" passed the 11th day of April, 1796." And thereupon the supervisor and such commissioners of any of the said towns in which such lots of land may be situated, shall and may lease the same upon such terms and for such period of time as they in their discretion may deem proper, not exceeding ten years; *provided nevertheless*, that whenever the freeholders and inhabitants of any of the said towns shall in legal town meeting, instruct the said supervisor and commissioners in the premises, the leases of the same lands shall be made conformably to such instructions subject to the limitation of time as aforesaid.

Suits for  
trespasses.

*And be it further enacted*, That it shall and may be lawful for the supervisor, and commissioners of any of the said towns as aforesaid, and they are hereby authorized and impowered to institute such suit or suits, and prosecute the same to judgment, in the name of such supervisor, as may be necessary for the recovery of the possession of any of the said lots designated as aforesaid, or for any trespasses that may have been heretofore, or shall be hereafter committed thereon, or upon the breach of any of the covenants which may be contained in any of the said leases made in pursuance of this act; which said suits shall not be abated or any way affected in law, by the death or removal from office of any such supervisor as aforesaid.

How  
monies  
applied.

*And be it further enacted*, That the monies arising from the leasing of the said lots of land as aforesaid, and from the trespasses aforesaid, shall be applied to the use of schools or support of the gospel in the original townships as surveyed, in which such lots shall be respectively situated, and for no other purpose; which said application shall be made either for schools or gospel, or both, and in such way and manner as the freeholders and inhabitants of the towns, in which the same lands shall lie, shall in legal town meeting, from time to time, direct order and appoint.

Reports to  
be made  
at town  
meetings.

*And be it further enacted*, That the said supervisors and commissioners shall, and hereby are required to, report to the towns for which they shall have been appointed at their annual town meeting, their proceedings under this act, and upon the expiration of their offices, or removal from office, shall deliver over to their successors in office, all such leases and documents as they may be possessed of by virtue of this act, and also all such monies as they may have received upon and by virtue of the leases aforesaid. And in case any of the supervisors or commissioners shall refuse and neglect to report their proceedings as aforesaid, or deliver over such leases and documents, or pay over the monies as aforesaid, such supervisor or commissioner shall forfeit and pay to the town for which he shall have been appointed, twenty five dollars, to be applied for the uses and in the manner aforesaid; which said penalty, shall be recovered in the name of the supervisor of the town for the time being in which the same penalty shall have been incurred, by action of debt, bill, plaint or information, in any court of record having cognizance thereof.

Duty of  
supervisors  
relative to  
lands re-  
served for  
literature.

*And be it further enacted* That it shall and is hereby declared to be the duty of the several supervisors of the towns in the said county of Onondaga, to take charge of, and oversee the lots of land situate in the respective towns (for which such supervisors shall have been appointed) and which are designated by the act aforesaid for the promotion of literature, and such other lots in each town as are reserved

to the people of this State. And in case of any incroachment or trespasses upon the same lands, to report the author or authors thereof, to the assistant attorney general for the district including the said county of Onondaga, who is hereby authorized and required, to institute and prosecute to judgment, such suit or suits, in the name of the people of the State of New York, against such trespassers, as he may deem necessary, and the monies recovered in such suits, he is hereby required to pay over to the treasurer of this State.

## CHAP. 49.

AN ACT relative to the corporation for the relief of the widows and children of clergymen in the communion of the Protestant Episcopal Church in America, and for instituting a new corporation within this State for similar purposes.

PASSED the 23rd of March, 1798.

WHEREAS "The Corporation for the Relief of the Widows and Children of Clergymen in the Communion of the Protestant Episcopal Church in America" consisting of members residing in the several States of Pennsylvania, New-Jersey and New York, and having for its object to afford relief to the widows and children of clergymen of that description in those States, has been found too extensive, and the residence of the members in different States, many of them at great distance from each other, renders the transaction of business difficult and precarious, and proves an obstacle to the due execution of their charitable institution ; for which reasons the corporation have determined to divide their property, so as to create a separate fund for the relief of the widows and children of clergymen of the above description in each of the said States, to be committed to the management of the members of the corporation and their successors, residing in the said States respectively ; *and whereas* the aid of the legislature in the premises, appears to be requisite: Therefore

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That Samuel Provoost, Robert R. Livingston, John Stevens, Walter Rutherford, Alexander Hamilton, Morgan Lewis, Samuel Nesbitt, Benjamin Moore, John Bissett, Joseph Pilmore, William Samuel Johnson, Elijah D. Rattoon, and Abraham Beach, and all the other members of the said existing corporation, who now reside in the State of New York, shall be and become and are hereby declared to be, a body corporate and politic in the law, by the name and style of "The Corporation for the Relief of Widows and Children of Clergymen of the Protestant Episcopal Church in the State of New York," and shall have the like succession, powers and capacities, and be subject to the like restrictions, laws and regulations as the said corporation is by law subject or entitled to, except that the persons to be relieved by the said corporation hereby instituted, shall be the widows and children of clergymen of the above description, who resided, or shall hereafter have resided in this State, and no others.

*And be it further enacted* That Samuel Provoost shall be the first president, Walter Rutherford the first treasurer, and Benjamin Moore the first secretary of the said corporation.

Preamble.

Names of  
incorpora-  
tors.

First off-  
icers.

Dissolu-  
tion of for-  
mer cor-  
poration.

*And be it further enacted* that when the said former corporation shall signify their assent thereto under their common seal and deliver or assign to the corporation hereby created, their dividend or share of the said trust property, the said former corporation shall cease to exist within this State, to all intents and purposes whatsoever.

And in order to facilitate the transaction of business by the said corporation hereby created,

Quorum.

*Be it further enacted*, that seven of the members of the said corporation, duly assembled, shall be a sufficient number for the transaction of all business appertaining to their institution.

## CHAP. 50.

**AN ACT** to incorporate that part of the town of Schenectady therein mentioned.

PASSED the 26th of March, 1798.

Preamble.

WHEREAS the inhabitants of the township of Schenectady have by their petition presented to the legislature prayed to be incorporated with such powers, jurisdictions, privileges and immunities as may be deemed necessary to accomplish the beneficial purposes contemplated by such incorporation : *And whereas* Abraham Wemple, Nicholas Veeder, Abraham Switz, Abraham Oothoudt, John Glen, John Sanders, Jellis I. Fonda, Andrew Van Petten, Adam S. Vrooman, Gerrit S. Veeder junior and Richard Schermerhorn the present trustees of the said township have, by another petition to the legislature declared their assent to such incorporation, and expressed a desire to be released and discharged from the said trust ; therefore

City of  
Schenec-  
tady incor-  
porated.

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That all that district of country contained within the following limits, to wit, beginning on the north bank of the Mohawk river about four miles below the village of Schenectady, oposite the mouth of a small creek called Laughers Killitie where the east bounds of Schenectady patent comes to said river, thence along said east bounds to the northeast corner thereof, thence along the northerly, northeasterly, northwesterly, westerly, southerly and southeasterly bounds thereof to the north bounds of the manor of Rensselaerwyck, thence along the same easterly to the said easterly bounds of said town of Schenectady, thence along the same northerly to the said Mohawk river, and then with a straight line to the place of beginning, and that all the freemen of this State inhabitants within the limits aforesaid, be, and they are hereby ordained, constituted, appointed & declared to be to all intents & purposes both in law & in fact from time to time and forever hereafter one body corporate and politic in fact and in name by the name of the mayor, aldermen & commonalty of the city of Schenectady, and that by that name they, and their successors forever shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering & being answered unto, defending and being defended in all courts and places whatsoever in all manner of actions, suits, complaints matters and causes whatsoever, and of what nature and kind soever, and that they and their successors may have a common seal and may alter and change the same at pleasure ; and that

the said mayor, aldermen and commonalty & their successors shall by virtue of this act become and be absolutely and completely vested with all the estate, right, title & interest of and in the common lands, tenements and hereditaments aforesaid not heretofore disposed of, which the said Abraham Wemple, Nicholas Veeder, Abraham Switz, Abraham Oothoudt, John Glen, John Sanders, Jellis I. Fonda, Andrew Van Petten, Adam S. Vrooman, Gerrit S. Veeder junior and Richard Schermerhorn as trustees aforesaid now have in or to the said lands, tenements and hereditaments, and also all manner of debts which now are, or hereafter may be due and payable to the said trustees or any of them, or which may have been payable to any former trustees of the said township their heirs or assigns in as full & ample a manner as the said lands, tenements and hereditaments were formerly granted by letters patent to Ryer Schermerhorn, Jan Wemp & others; and also in as full & ample a manner as the said debts are now due and payable, or may hereafter become or grow due to the said Abraham Wemple, Nicholas Veeder, Abraham Switz, Abraham Oothoudt, John Glen, John Sanders, Jellis I. Fonda, Andrew Van Petten, Adam S. Vrooman, Gerrit S. Veeder Junior & Richard Schermerhorn in the capacity of trustees as aforesaid or to any of the former trustees of the said township and their heirs in any wise howsoever; provided always

Common  
lands.

*And be it further enacted* That nothing in this act contained shall be construed in any wise to affect any suits that are now depending or which may hereafter become necessary for any purchaser or purchasers to commence in the name of the said trustees or any former trustees of the said township in order to try the title to or recover the possession of any land situated within the patent aforesaid, but the same shall and may be prosecuted or commenced & prosecuted in the same manner as if this act had not been passed.

Suits now  
depending  
not af-  
fected.

*And be it further enacted* That the said city shall be divided into four wards; and that the inhabitants of each ward shall have power to elect two aldermen and two assistants together with all such other officers as are in and by this act provided to be chosen except the treasurer and clerk of said city, which said election of aldermen and assistants and other officers shall be annually held in each of the said wards on the first Tuesday in April in each & every year forever hereafter.

Wards and  
ward offi-  
cers.

*And be it further enacted* That there shall and may be in and for said city one mayor who shall have the same power to take the acknowledgment and proof of deeds, conveyances & other writings relating to lands situate within the said city as a judge of the court of common pleas in and for said county by law now has and possesses, eight aldermen, eight assistants, one clerk, one treasurer, one supervisor, and as many assessors, collectors, constables, commissioners of highways, overseers of the poor, pound masters and fence viewers as the common council for the said city of Schenectady herein after constituted and appointed shall from time to time deem necessary and direct to be chosen and elected; which supervisor, assessors, collectors, constables & other officers so deemed necessary & directed to be chosen, shall forever hereafter be chosen and elected in the manner and at the time and place herein directed & appointed for the annual election of officers within said city.

City offi-  
cers.

*And be it further enacted* That it shall & may be lawful to and for the person administering the government of this State for the time being by and with the advice and consent of the council of appointment and he and they are hereby authorized & required within thirty days

Appoint-  
ment of  
mayor.

after the passing of this act and yearly for ever thereafter at such time as said council shall be assembled to nominate and appoint out of the citizens and inhabitants of said city of Schenectady one fit and discreet person to be mayor of said city which said mayor shall be and continue in his said office to do and to execute all things which to his said office appertains for the term of one year from such appointment or until some other person be appointed & sworn in his stead.

Election of officers.

*And be it further enacted* That on the first Tuesday in April next and on the first Tuesday of April in every year for ever thereafter, the inhabitants of said city shall and may assemble themselves and meet together in their respective wards at such time of the day and at such public place in each ward as the common council shall for that purpose at their meeting next previous to such election have appointed and then and there by plurality of votes elect and choose out of the inhabitants of said city residing in their respective wards for the ensuing year two aldermen, two assistants and such a number of assessors, collectors, constables, pound masters, commissioners of highways, fence viewers and such other proper and necessary officers as the common council of said city shall from time to time deem necessary and direct to be chosen.

Qualifications of voters.

*And be it further enacted* That all the inhabitants of said city qualified by the existing laws of this State to vote at town meetings shall be entitled to vote for aldermen and assistants and all other officers at such time & place as is herein before directed.

Qualifications of aldermen and assistants; elections.

*And be it further enacted* That all and every person & persons to be chosen or elected aldermen or assistants of said city by virtue of this act shall be freeholders within this State, or have hired a tenement of the yearly value of thirty dollars, & actually paid taxes in said city, and resided within said city at least one year before such election, and resident within their respective wards; and that the votes given for said aldermen and assistants shall be by ballot, and that at least eight days before the day of election annually to be holden by virtue of this act, the common council of said city for the time being shall appoint in each ward three persons who shall preside as inspectors of said election, and such persons so appointed as aforesaid shall preside and canvass the ballots of such election, and declare the several officers who may have been chosen at such election, and shall have power to judge & decide on the qualifications of electors, and shall provide and keep poll books wherein shall be entered the names of the persons who vote at such elections.

Inspectors for the first election.

*And be it further enacted* That at the first election to be holden by virtue of this act for the purpose aforesaid on the first Tuesday in April next the following persons shall be and they are hereby appointed inspectors in the respective wards to wit, Francis Veeder, Jacob G. Fonda and Jesse Peek for the first ward of said city; Maus Schermerhorn, Abraham P. Truax & Simon I. Van Antwerp for the second ward; and Isaac De Graaf, Alexander McMichael and Harmanus Vedder for the third ward; and Harmanus Van Vleck, Abijah Rowley and Jellis Yates for the fourth ward of said city, and in case of the death neglect or refusal to serve of the said inspectors any or either of them, then it shall and may be lawful to and for the justices of the peace in and for said city or any two of them at any time or times previous to such election to appoint others to supply the place of such or so many of the above persons as shall die, neglect or refuse to serve.

Where first elections to be held.

*And be it further enacted* That the first election to be holden by virtue & in consequence of this act shall be holden in the respective

wards at the following places to wit, in the first ward at the house of Henry Waldrom; in the second ward at the house of John B. Vrooman; in the third ward at the house of Lawrence Schermerhorn; and in the fourth ward at the house of Abraham De Graff.

*And be it further enacted* That the inspectors who preside at the respective elections in the different wards shall before they enter upon the execution of the duties of their office take and subscribe an oath faithfully to perform and execute the duty of an inspector according to the best of his knowledge & abilities; which oath shall be administered by any justice of the peace in and for the said city.

Oath of inspectors.

*And be it further enacted* That the mayor, aldermen and assistants of the said city for the time being, be & shall forever hereafter be called the common council of the city of Schenectady, who or the major part of whom, whereof the mayor always to be one shall have and possess full and ample power & authority to pass such bye laws and establish such wholesome regulations as to them from time to time shall be thought expedient the better to manage & secure their common property; and also full power & authority to take bonds & sureties to be given by constables or any other officers of said city for the faithful discharge of the duties of their office; and also relative to the overseeing of the poor within said city; *provided* that such bye laws be not contrary to or inconsistent with the constitution, laws & statutes of this State.

Powers of common council.

*And be it further enacted* That on the first Tuesday in April aforesaid in every year hereafter the inhabitants of the respective wards in said city, qualified as herein before mentioned, when assembled for the purpose of electing the officers herein before mentioned shall by ballot elect and choose one supervisor for said city for the year then ensuing, which said ballots shall by the inspectors of said election in the respective wards be sealed up and by them respectively delivered to the clerk of said city, who shall at the then next meeting of the common council of said city deliver the said ballots to the mayor; and said common council shall then and there proceed to canvass and examine the said ballots, and the person who upon such canvass is found to have the greatest number of ballots in the whole city shall by said common council be then and there declared to be supervisor in & for said city for the year ensuing; *provided* that no such canvass or determination by said council shall be valid unless at such meeting there be present at least two thirds of all the members composing the common council of said city.

Supervisor of Schenectady.

*And be it further enacted* That on the first Tuesday of May next and on the first Tuesday of May in every year for ever thereafter the common council of said city for the time being shall and may in common council nominate & appoint one fit person being a freeholder and inhabitant of said city to be treasurer of said city; and one other fit person to be clerk for the year then ensuing; and the said treasurer before he shall enter on the execution of the duties of his office shall give bonds with two sureties to be approved of by said common council in the sum of five thousand dollars, conditioned for the due execution of the duties of his said office, and a faithful discharge of the trust reposed in him; and the said clerk before he shall enter on the exercise of the duties of his said office shall make oath faithfully to perform and truly to discharge the duties of his said office to the best of his knowledge and ability without fraud, favor or partiality.

Treasurer and clerk.

*And be it further enacted* That it shall be the duty of the clerk to provide and keep a book or books wherein shall be entered all the pro-

Duty of clerks.

ceedings of said common council from time to time, which books & proceedings shall be open at all proper times for the inspection of any of the inhabitants of said city.

*Whereas* the trustees above named have declared their consent to the provisions contained in the three next succeeding clauses. Therefore

Com-  
mis-  
sioners to  
determine  
claims  
against  
trustees.

*And be it further enacted* That Zephaniah Platt and Peter Cantine Junior of the county of Dutchess, and Derick Lane of the county of Rensselaer shall be and hereby are appointed commissioners with full power to hear, examine and finally adjust and determine all claims and demands whatsoever against the said trustees for and by reason of any matter or thing whatsoever done by them or any of them in the character and capacity of trustees as aforesaid; and that it shall and may be lawful for the said commissioners by notice in writing under their hands to be inserted in one or more of the news papers printed in the city of Albany and the said township of Schenectady to appoint the time and place when and where they will meet to perform the duties enjoined on them by this act: *Provided always* that such time shall not be less than three months nor more than six months from the day of passing this act; *and further* that it shall be lawful for the said commissioners to issue summonses in writing under their respective hands directed to all or any of the said trustees thereby requiring them at the time and place so as aforesaid to be appointed by the said commissioners to exhibit and render a just and true statement and account according to the best of their knowledge of their proceedings, and of all monies received and expended by them by virtue of or in any wise concerning the execution of the said trust, *and also* to issue summonses in like manner to such other person or persons as they shall deem necessary thereby requiring every such person to appear before the said commissioners at a certain time and place to be for that purpose inserted in every such summons, then and there to testify the truth according to his or her knowledge before the said commissioners of all such matters and things as they or either of them may know touching and concerning the several matters that may come before the said commissioners for their examination, adjustment and decision relating to the said trust; and that every such summons shall and may be served by delivering the original to the person or persons to whom the same shall or may be directed at least six days previous to the return day thereof; *and further* that it shall be lawful for the said commissioners to administer an oath to each of the said trustees and the several other persons so to be summoned as aforesaid, to testify the truth according to the best of his or her knowledge relative to the several matters then and there to be enquired of by the said commissioners.

Penalty for  
neglect by  
trustees.

*And be it further enacted* That if the said trustees or any of them shall neglect or refuse to exhibit & render such statement and account as aforesaid to the said commissioners for the space of eight months after the passing of this act then every person so neglecting or refusing to exhibit & render such statement and account shall forfeit the sum of one thousand dollars to be sued for and recovered by the said mayor, aldermen and commonalty in an action of debt in their corporate name in any court of record within this State for the use of the said mayor, aldermen and commonalty.

Recovery  
of sums  
owing by  
trustees.

*And be it further enacted* That in case the said commissioners shall find any sum or sums of money justly due and owing from the said trustees or any of them, they shall certify the same in writing under

their hands, and deliver such certificate to the said mayor, aldermen and commonalty who are hereby authorized and empowered to sue for & recover the same in any court of record within this State; but if the said commissioners shall certify a ballance to be due & owing to the said trustees such ballance shall and may be sued for and recovered in like manner by the said trustees or such of them to whom such ballance shall be certified to be due in an action of debt against the said mayor, aldermen and commonalty, in any court of record within this State; *and further* that when a final decision and adjustment shall have been made by the said commissioners of & concerning all and singular the aforesaid claims & demands, and the ballance if any shall be found owing by the said trustees or any of them shall have been paid, it shall and may be lawful for the said commissioners to certify the same in writing under their hands which certificate shall to all intents be deemed a full and complete discharge to the said trustees of all & every claim & demand against them for any matter or thing in any wise relating to the said trust.

*And be it further enacted* That there shall be a meeting holden by said common council on the first Tuesday of May in every year, and oftener if said common council think it necessary, at which meetings all and every transaction relating to the common lands & property shall be determined by a plurality of votes of the members aforesaid present; and that no sale, transfer, lease, gift, assignment or disposition whatever of said common property shall be valid unless two thirds of the whole number of aldermen and assistants of said city shall give their assent to such sale, transfer, lease gift, assignment or disposition whatsoever; and that to constitute a legal meeting for any other purpose there shall be present at each and every such meeting at least two thirds of all the members composing the common council of said city; and in cases of emergency it shall and may be lawful for the mayor of the said city to call a meeting at other times than herein before provided.

Common  
lands.

*And be it further enacted* That the mayor of said city for the time being and each and every of the common council to be from time to time elected, shall severally before they enter on the discharge of the duties of their respective offices, take and subscribe the following oath or affirmation. I, A B., do solemnly swear (or affirm as the case may be) that I will well, truly and faithfully execute the office of to which I am elected (or appointed) to the best of my ability without fraud, favor or partiality.

Oath of  
mayor.

*And be it further enacted* That in case of the absence, death, sickness or removal from office of the mayor of said city for the time being it shall and may be lawful to and for one of the aldermen of said city to be nominated and appointed by the aldermen and assistants of said city in a meeting of said aldermen and assistants for that purpose to be convened, which meeting shall be summoned by writing under hand and seal of any two aldermen of said city) to do & execute all and singular the duties, acts, trusts & things to the office of said mayor belonging or in any wise appertaining to all & every intent, purpose and construction whatsoever during the absence, sickness or removal from office of said mayor, or until a successor be duly appointed & sworn, except the taking of proofs & acknowledgments of conveyances as herein before mentioned.

Vacancy in  
office of  
mayor.

*And be it further enacted* That if any of the inhabitants of said city shall hereafter be elected or chosen to the office of aldermen, assistant, supervisor, assessor, collector, constable, commissioner of

Penalty for  
refusing to  
accept city  
office.



highways, pound master or fence viewer of said city, and having notice of his said election shall refuse, deny, delay or neglect to take upon him to execute the office to which he or they shall be so chosen or elected, that then and so often as it shall so happen it shall and may be lawful to and for the common council of said city to assess and impose upon every such person and persons so refusing, delaying or neglecting such reasonable and moderate fine, fines, sum and sums of money as the said common council shall think fit, unless such person shall render to such common council a reasonable and satisfactory excuse before such order shall be made in the premises; *provided always* that no such fine for such refusal, denial, delay or neglect shall exceed the sum of twelve dollars; all which said fines shall and may be levied by distress & sale of the goods & chattels of such delinquent and delinquents, by warrant under the seal of the said city, directed to one of the constables thereof, & signed by the mayor for the time being, rendering the surplus (if any there be) to the owner or owners thereof, the necessary & legal charges of making and selling such distress being first deducted; which fine and fines when collected shall be received by and to and for the use of the common council & their successors for the benefit of said city.

How vacancies in office filled.

*And be it further enacted* That if it shall at any time happen that any of the aldermen, assistants, supervisor, collector or any other of the officers in said city to be elected and sworn in their respective offices as aforesaid shall die or remove out of said city within the time they shall be respectively elected for, or before other fit persons be respectively elected and sworn in their respective places, it shall and may be lawful for the inhabitants of the ward in which such vacancy shall happen to assemble and meet together at such time and place as shall be appointed by the mayor of said city for the time being and then and there by plurality of votes to elect one of the inhabitants of said city to serve as alderman, assistant, supervisor, assessor, collector or other officers in the place of such alderman, assistant, collector, assessor or other officer so dying or removing and as often as such cases shall happen; and in case of the death or removal of the treasurer or clerk of said city it shall be lawful for the common council to appoint another in their respective places at any time after such death or removal, and that all and every such person and persons so newly chosen or appointed and sworn shall serve in their respective offices until other fit persons be chosen or appointed and sworn in their respective places; *provided always* that such election for aldermen, assistants, or other officers upon any vacancy shall be conducted agreeable to the mode herein before prescribed.

Licenses for taverns and inns.

*And be it further enacted* That that the mayor of the said city & no other person whatsoever shall have power to give and grant licenses annually under the public seal of the said city to all such persons as he shall think fit to licence to keep a tavern, inn, ordinary or victualling house and to sell wine, brandy, rum, cyder, beer, ale or any other sort of exciseable or strong liquors within the said city of Schenectady or the the liberties & precincts thereof by retail or small measure and that it shall and may be lawful to and for the mayor of the said city to ask, demand & receive for every such licence by him to be given and granted as aforesaid, such sum or sums of money as he and the person to whom such licence shall be given and granted shall agree for, not exceeding the sum of two dollars for each licence; all which monies as by the said mayor shall be so received shall be applied to the use of the said mayor, aldermen and commonalty for

ever; and that each and every such licence shall continue & be in force for one year from the granting thereof, but no longer.

*And be it further enacted* That the division of said city into wards shall be and is hereby declared to be in the following manner to wit, all that tract of country contained within the following bounds beginning at the north west corner of a lot of ground where the present dwelling house of Nicholas Van Patten now stands on the easterly bank of a branch of the Mohawk river, thence along the northerly bounds of said lot to the street, thence along said street southerly until it comes oposite the center of the Nistigauna street, thence along through the middle of said street and the road that leads from said village to Nistigauna aforesaid to the easterly bounds of the town of Schenectady aforesaid, thence along said bounds as it runs to the Mohawk river, thence along said river up stream as it winds & turns until it comes oposite to where the east bounds of said Schenectady patent comes to said river thence with a straight line to the middle of said river, thence up the stream through the middle as it turns and winds until it comes about five chains above the upper ferry, and then with a straight line to the place of beginning shall be and is hereby declared to be the first ward of said city; and all that tract of country contained within the following limits beginning at the north west corner of the lot where the present dwelling house of Nicholas Van Patten now stands being also the place of beginning of the first ward on the easterly bank of a branch of the Mohawk river and runs thence along the same up stream to the mouth of a creek called the church mill creek, thence up the said branch of the Mohawk river eight chains, thence due east until it intersects a line running from the mouth of said mill creek south eight degrees east, thence south eight degrees east to the southerly bounds of the patent of Schenectady; thence along the same southeasterly until it intersects the north bounds of the manor of Rensselaerwyck, thence alongs the same easterly to the easterly bounds of the town of Schenectady, thence along the same as it runs to the road that leads from the village of Schenectady to Nistigauna being the south easterly corner of the first ward, thence along the same as it runs to the place of beginning, shall be and is hereby declared to be the second ward of said city; and all that tract of country contained within the following limits beginning at the north west corner of the lot whereon the present dwelling house of Nicholas Van Patten now stands being the place of beginning of the first and second wards and runs from thence along said second ward southerly to the southerly bounds of the patent of Schenectady, thence along the same south westerly, north westerly and northerly to the Mohawk river thence to the middle of the same, thence down the same as it winds and turns to the north west corner of the first ward about five chains above the upper ferry, thence along the said first ward southerly to the place of beginning shall be and is hereby declared to be the third ward of said city; and all that tract of country contained within the following limits beginning in the middle of said Mohawk river where the easterly bounds of said Schenectady patent come to the river oposite the mouth of a certain small creek called Laughers Killitie, and runs thence along the said east bounds thereof to the northeast corner of said Schenectady patent, thence along the northerly, north easterly, north westerly & westerly bounds thereof to the said Mohawk river, and thence along the middle thereof as it winds and turns to the place of beginning shall be and is hereby de-

Division of  
the city  
into wards.

clared to be the fourth ward of said city, for the purposes in this act contemplated & intended.

Distribu-  
tion of pro-  
ceeds of  
lands.

*And be it further enacted* That all monies which shall from time to time come into the treasury of the said city arising from the sale of any lands, or for rent, interest or otherwise shall be annually divided and distributed in the manner following that is to say, the one half of the whole sum shall be appropriated to public uses in the first and second wards of said city by the aldermen and assistants of the said two wards or the major part of them; and the other half part or moiety of the money or monies aforesaid shall be annually divided & distributed for public uses in the third and fourth wards of said city in an equal proportion, which said money or monies shall be so disposed of, by the aldermen & assistants of the said third & fourth wards or the major part of them.

Accounts  
of alder-  
men and  
assistants.

*And be it further enacted* That the aldermen & assistants of the said respective wards shall annually at least fourteen days previous to the annual election for corporation officers within the said city render a just & true account to the common council of the said city, of all monies by them received in manner & for the purposes aforesaid.

Public  
markets.

*And be it further enacted* That it shall be lawful for the mayor of the said city & the aldermen and assistants of the first and second wards of the said city, or the major part of them, whereof the mayor always to be one, to make bye laws relative to the public markets within that part of the said wards to be contained within the following limits vizt. beginning at a point due north and one mile distant from the north west corner of Union College thence due west one mile, thence due south two miles thence due east two miles, thence due north two miles and thence due west to the place of beginning so that such bye laws shall not extend to the regulating or ascertaining the price of any commodity or article of provision which may be brought for sale within the said limits; & relative to the streets and highways, nuisances, the cleaning of chimnies and preventing of fire within the said limits, & relative to a night watch, the burial of the dead; the public lights or lamps, and restraining geese and swine going at large within the limits aforesaid, & relative to any thing whatsoever which may concern the good government and police within the limits aforesaid: *Provided* that such bye laws and regulations be not contrary to or inconsistent with the constitution, laws & statutes of this State; and the said mayor aldermen and assistants of the said first & second wards or the major part of them whereof the mayor always to be one as often as they shall make ordain & publish such bye laws for the purpose aforesaid, may make, ordain, limit & provide such and the like pains, penalties, fines and amerciaments upon, towards and against all and every person who shall offend against such laws, statutes, rights & constitutions or any or either of them as by the said common council or the major part of them shall be thought requisite to make, ordain, limit & provide for the observation and preservation of the same laws, statutes, rights and constitutions to be prosecuted & recovered in any justices court within the jurisdiction of said city who shall have cognizance of the same by action of debt or otherwise to the public use of the said mayor aldermen and assistants of the city of Schenectady, and their successors forever: *Provided* that no such bye laws shall continue in force longer than for the term of one year.

Unim-  
proved  
wood lands

*And be it further enacted* That all the unimproved wood lands within the limits & bounds of the patent of Schenectady, which

shall not have been lawfully granted and conveyed by the said trustees at the time of passing this act shall be & remain in common for timber and fuel for the use of the freeholders and inhabitants aforesaid; and that it shall not be lawful for the said mayor, aldermen & commonalty or their successors to demise, bargain, sell or convey any part of the last mentioned wood lands to any person or persons whatsoever, and that every demise, bargain, sale & conveyance thereof by them shall be and is hereby declared to be utterly void.

*And be it further enacted* That the supervisor to be chosen in and for the city of Schenectady shall have and he is hereby declared to be vested with the same duty, power and authority as the respective supervisors of the city of Albany are by law vested with. Authority of supervisor.

*And be it further enacted* That instead of the several persons who have heretofore been the inspectors of the elections for governor, lieutenant governor, senators, representatives to Congress and members of assembly within the town of Schenectady it shall and may be lawful for the common council of the said city, yearly and every year at least ten days previous to any such election to appoint three persons in each of the wards within the said city to be the inspectors of the then next ensuing election in the said wards respectively, which inspectors so appointed shall perform all and singular the duties of inspectors of the said election. Inspectors of general elections.

*And be it further enacted* That the act entitled "An act to empower the justices of the peace residing in that part of the township of Schenectady therein mentioned, to establish and regulate a night watch and for other purposes therein mentioned" passed the first day of March, one thousand seven hundred and eighty eight; and the act entitled "An act to enable the freeholders and inhabitants of a part of the township of Schenectady therein mentioned to elect commissioners for certain enumerated purposes," passed the twenty sixth day of March one thousand seven hundred and ninety six, be and the same are hereby repealed. Act recited repealed.

*And be it further enacted* That all bona fide sales and conveyances of what kind soever the same may be for valuable considerations which have heretofore been made and executed by the said trustees or the former trustees of the said township of any lands, tenements or hereditaments situate within the aforesaid patent shall be and are hereby declared to be good and valid in the law to all intents whatsoever; *provided always* that nothing in this act contained shall be construed to prejudice the right & title of any person or persons claiming title under any other patent. Conveyances by trustees.

*And be it further enacted* That in case either of the said commissioners shall neglect or refuse to perform the duties by this act committed to him, Hugh Peoples of the county of Saratoga shall and may be taken to supply the place of the person so neglecting or refusing. Vacancy among commissioners.

*And be it further enacted* That each of the said commissioners shall be entitled to receive for his services from the said mayor aldermen & commonalty at the rate of four dollars and fifty cents per day. Compensation of commissioners.

*And be it farther enacted* That this act be and it is hereby declared to be a public act and that the same be and shall forever hereafter be construed in all courts and places benignly and favorably for every beneficial purpose therein intended. How act construed.

## CHAP. 51.

AN ACT for the relief of the executors of Abraham Wing deceased.

PASSED the 26th of March, 1798.

Grant to  
executors  
of Abra-  
ham Wing  
deceased.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That it shall be lawful for the surveyor general of this State, and he is hereby required, upon payment of the sum of seventy five dollars to him, to grant and convey to the executors of the testament and last will of Abraham Wing deceased, and to their heirs and assigns forever, all the estate right title and interest of the people of this State, of, in and to one half part of two acres of land on the north side of Hudsons river lying west contiguous to the falls called Glens Falls with certain privileges of the water in the said river, which said premises were granted and conveyed by the said Abraham Wing in his life time to one Daniel Jones, and by his conviction forfeited to the people of this State; but such conveyance shall not be deemed to operate as a warranty from the people of this State. And there shall accordingly be inserted in the conveyance, immediately before the words "in testimony," the words following, to wit, "these presents however are in no wise to operate as a warranty."

## CHAP. 52.

AN ACT for the relief of the people called Shaking Quakers, and the religious sect known by the name of "Universal Friends."

PASSED the 26th of March, 1798.

Oaths by  
Shakers  
and Uni-  
versal  
Friends.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the act entitled "An act that the solemn affirmation and declaration of the people called Quakers shall be accepted instead of an oath" shall be and hereby is extended to the people called Shakers or Shaking Quakers, and to the religious sect known by the name of "Universal Friends."

## CHAP. 53.

AN ACT to erect Corry's bush together with the church land adjoining the patent of Schenectady on the south side of the Mohawk river into a separate town.

PASSED the 26th of March, 1798.

Prince-  
town, town  
of, erected.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That all that part of the town of Schenectady known by the name of Corrys bush together with the church land adjoining the patent of Schenectady on the south side of the Mohawk river shall be and is hereby erected into a separate town by the name of Prince Town, and that the first town meeting shall be held at the house of John Ball in said town.

*And be it further enacted* That from and after the first day of April next the freeholders and inhabitants of the said town shall be and hereby are empowered to hold town meetings and elect town officers as the freeholders and inhabitants of any town in this State may do by law, and that the freeholders and inhabitants of the said town, and the town officers to be by them elected, shall have the like powers and privileges and be subject to the like penalties and restrictions as the freeholders, inhabitants, and town officers of any other town in this State.

Town of-  
ficers.

*And be it further enacted* That as soon as may be after the first day of April next the supervisors and overseers of the poor of the town of Schenectady, and the town of Prince Town, shall by notice to be given for that purpose by the supervisors of the towns aforesaid meet together and apportion the poor maintained by the said town previous to the division thereof and also to divide all money in the hands of the overseers of the poor previous to the division thereof in an equitable manner and if the supervisors and overseers of the poor cannot agree upon such division of the poor and money as aforesaid then and in such case the supervisors of the county shall at their next meeting apportion and divide the poor and money as aforesaid in such manner as shall appear to them most just and equitable.

Division of  
the poor.

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## CHAP. 54.

AN ACT to amend an act entitled "An act for dividing the county of Schoharie into towns.

PASSED the 26th of March, 1798.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That all that part of the town of Middleburgh in the county of Schoharie situate northerly of a line drawn from a point in the west bounds of the county of Albany two miles southerly of the place where the Foxes creek intersect said west bounds to the place where Weavers Stoney creek originally emptied itself into the Schoharie creek and thence westerly to the place where the Cobus Kill road crosses the Punch Kill shall be and is hereby annexed to the town of Schoharie.

Part of  
town of  
Middle-  
burgh an-  
nexed to  
Schoharie.

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## CHAP. 55.

AN ACT repealing an act entitled "An act for granting and securing to John Fitch the sole right and advantage of making and employing the steam boat by him lately invented," and for other purposes.

PASSED the 27th of March, 1798.

WHEREAS it hath been suggested to the people of this State represented in senate and assembly that Robert R. Livingston is possessor of a mode of applying the steam engine to propel a boat on new and advantageous principles, but that he is deterred from carrying the same into effect by the existence of a law entitled "An act for grant-

Preamble.

ing and securing to John Fitch the sole right and advantage of making and employing the steam boat by him lately invented "passed the nineteenth day of March one thousand seven hundred and eighty seven, as well as by the uncertainty and hazard of a very expensive experiment unless he could be assured of the exclusive advantage of the same if on trial it should be found to succeed. *And whereas* it is further suggested that the said John Fitch is either dead or hath withdrawn himself from this State without having made any attempt in the space of more than ten years for executing the plan for which he so obtained an exclusive privilege, whereby the same is justly forfeited: Therefore

Act recited  
repealed.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the act aforesaid be and is hereby repealed. And to the end that Robert R. Livingston may be induced to proceed in an experiment which if successful promises important advantages to this State.

Privileges  
granted to  
Livingston.

*Be it further enacted,* That privileges similar to those granted to the said John Fitch in and by the before mentioned act be and they hereby are extended to the said Robert for the term of twenty years from the passing of this act. *Provided nevertheless* that the said Robert shall within twelve months from the passing of this act give such proof as shall satisfy the governor, the lieutenant governor and the surveyor general of this State, or a majority of them of his having built a boat of at least twenty ton's capacity, which is propelled by steam, and the mean of whose progress through the water with and against the ordinary current of Hudson's river taken together shall not be less than four miles an hour, and shall at no time omit for the space of one year to have a boat of such construction plying between the cities of New York and Albany.

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## CHAP. 56.

AN ACT to amend the act making alterations in the criminal law of this State, and for erecting State prisons.

PASSED the 30th of March, 1798.

Preamble.

WHEREAS doubts have arisen in the construction of the act making alterations in the criminal law of this State, as to the powers of the courts in respect to imprisonment in the State prison for certain offenses: Therefore

Certain  
crimes  
may be  
punished  
by more  
than  
twelve  
months'  
imprison-  
ment.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That where any person or persons shall hereafter be convicted of any felony whatever or of any assault with intent to rob, murder or commit a rape, and it shall be deemed proper by the court or justices before whom such person or persons may be convicted, that such person or persons so convicted ought to be imprisoned for more than twelve calendar months, that then and in such case it shall and may be lawful for such court or justices in their discretion to adjudge such person or persons so convicted to imprisonment for any term of time not less than twelve calendar months to the State prison of this State and at hard labor.

*And be it further enacted,* That no person sentenced to imprisonment by virtue of the act hereby amended, for any term of time less than twelve calendar months, shall be liable to be transported to the State prison, but shall be confined in the goals of the respective counties in which such person or persons may be so sentenced.

Sentences for less than twelve months.

*And be it further enacted,* That in that clause of the said act which contains a provision for making rules for the government of the convicts confined in the said prison, the mayor and recorder of the said city, the attorney general and the assistant attorney general for the district in which the said city shall be comprehended, shall have equal power in respect to making such rules with a justice of the supreme court.

Rules regarding convicts.

*And be it further enacted,* That the persons authorized to visit and inspect the prison at pleasure, shall be only the governor, lieutenant governor, chancellor, judges of the supreme court and mayor, recorder, attorney general, assistant attorney general and such ministers of the gospel as actually reside in the said city, and have charge of a church or congregation therein.

Visitors of prisons.

*And be it further enacted,* That it shall be lawful for the mayor, aldermen and commonalty of the said city in common council convened to designate such of the firemen of the said city as they shall deem proper, to be the firemen attached to the State prison, and to that end, to increase the number of firemen of the said city as they shall judge necessary for that purpose; and it shall be the duty of the said firemen so attached, to repair to the said prison upon any signal being given of a fire in or about the same, or if any disturbance therein, or attempt to escape therefrom, and then subject themselves to the orders of the keeper of the said prison, or the inspectors, of either of them, for the suppression of disturbances, prevention of escapes, and the extinguishment of fires.

Firemen attached to the prison.

*And be it further enacted,* That the inspectors may at their discretion cause such convicts as may require it, to be enoculated for the small pox; and may employ any of the convicts in the said prison in such manner, and accredit them for their labor in such sums, as they shall deem just and right.

Vaccination; earnings of prisoners.

*And be it further enacted,* That the inspectors shall be privileged from serving upon juries or inquests in the said city.

Exemption of inspectors.

*And be it further enacted,* That such parts of the said act as enact that the keepers of the said prison shall be appointed by the person administering the government for the time being, by and with the advice and consent of the council of appointment; and as authorize the keeper to appoint his assistants, shall be and hereby are repealed; and instead thereof, that the inspectors of the said prison for the time being, shall have the charge and custody of the said prison, and of the prisoners therein, and that the said inspectors may appoint and employ under them a principal keeper, and also as many assistant keepers as they shall deem proper, and designate one of the said assistant keepers as the deputy keeper; and whenever there shall happen to be no principal keeper, all the duties and powers of principal keeper shall devolve on and be executed by the deputy keeper, until a principal keeper shall be appointed; and all writs of habeas corpus to be granted in behalf of any person confined in the said prison shall be directed to and returned by the keeper of the said prison for the time being.

Custody of prison; appointments.

*And be it further enacted,* That it shall be lawful for the said inspectors, whenever it shall be certified to them by the physician of the

Solitary confinement.



said prison, that the preservation of the health or life of a criminal adjudged to solitary confinement therein, renders it necessary, to remove the said criminal from such confinement, and employ or dispose of him or her in the said prison as they may think proper, and upon the recovery of the said criminal he or she shall be returned to such solitary confinement.

Escaped  
prisoner  
subject to  
death pen-  
alty.

*And be it further enacted,* That if any person or persons who have heretofore been convicted, or may hereafter be convicted of any crime for which he or she hath been or may be sentenced to imprisonment for life in the State prison of this State, shall break the said prison and escape from thence, and shall thereafter commit any felony, above the degree of petit larceny, then he or she being thereof duly convicted shall be hanged by the neck, until he or she shall be dead.

Retaking  
of escaped  
prisoners.

*And be it further enacted,* That in case any person or persons who have been or may hereafter be convicted of any crime for which he or she hath been or may hereafter be sentenced to imprisonment in the State prison for any term of years, shall break the said prison and escape from thence and be taken, he or she being thereof convicted shall be deemed guilty of a felony, and shall be adjudged to imprisonment and hard labor in the said prison for double the term of time specified in the original judgment against him or her, to commence from the period of the last conviction, notwithstanding the term for which such person was to have been imprisoned, may, when such person shall be retaken, have expired.

Id.

*And be it further enacted,* That if any person adjudged to be imprisoned in the said prison otherwise than for life, shall escape from the same, that as often as such person shall so escape, and be retaken, and again imprisoned in the said prison, the period for which such person was adjudged to be imprisoned in the said prison, shall always be deemed to commence anew from the day when such person shall after having escaped, be retaken and imprisoned again in the said prison; which day shall be ascertained by the inspectors of the said prison; and that every such person may be so retaken and imprisoned again, notwithstanding the term for which such person was to have been imprisoned, may when such person shall be retaken have expired.

Appropri-  
ation.

*And be it further enacted,* That the treasurer shall, and he is hereby directed on the warrant or warrants of the comptroller, to pay to the said inspectors such sums as may be necessary for the support of the prisoners, not exceeding ten thousand dollars, and also such further sum as may be necessary for the purchase of articles of manufacture and tools, not exceeding two thousand dollars in the whole.

Id

*And be it further enacted,* That the treasurer shall and he is hereby directed on the warrant or warrants of the comptroller, to pay out of any unappropriated monies in the treasury, to the commissioners for building the State prison in the city of New York, a sum not exceeding seventy one thousand, three hundred and forty six dollars, for the finishing and completing the said prison, agreeably to the report of the said commissioners; and if there shall not be money in the treasury sufficient to pay any such warrant, then and in every such case, it shall be lawful for the comptroller from time to time to borrow a sum sufficient for the purpose, in the manner directed by the "Act for appointing a comptroller in this State."

Accounts  
to be ren-  
dered.

*And be it further enacted,* That the said commissioners and inspectors shall account annually with the comptroller of this State for the expenditure of all monies received by them in the execution of the trust reposed in them.

## CHAP. 57.

### AN ACT for the relief of John Porteous & Alexander Ellice.

PASSED the 30th of March, 1798.

WHEREAS it is represented to the legislature that the commissioners of forfeitures for the western district of this State have by mistake sold certain lands in the county of Montgomery belonging to the estate of Peter Johnson the natural son of Sir William Johnson Baronet deceased as part of the forfeited estate of Sir John Johnson Baronet and that the said lands did of right belong to Elizabeth Johnson, Margaret Johnson Magdalen Johnson, George Johnson, Mary Johnson, Susan Johnson and Ann Johnson the surviving brothers and sisters of said Peter Johnson as devisees of the said Sir William Johnson deceased: *And whereas* it appears that Elizabeth Johnson, Margaret Johnson and Magdalen Johnson have convicted of adhering to the enemies of this State, and their estates forfeited to the people of this State and no record of such conviction and forfeiture is found against the said George Johnson, Mary Johnson, Susannah Johnson and Ann Johnson or either of them: *And whereas* John Porteous and Alexander Ellice are now in possession of seven hundred acres of land so sold by mistake under titles derived from the said commissioners of forfeitures and to quiet themselves in the peaceable enjoyment of the same, have since been obliged to purchase four sevenths of the said land from the said George Johnson, Mary Johnson, Susannah Johnson and Ann Johnson whose shares were sold by mistake as aforesaid: Wherefore for relief in the premises

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the treasurer of this State, on the order of the comptroller, be and he is hereby authorized and directed to pay to the said John Porteous and Alexander Ellice such sums of money as they have respectively given to George Johnson, Mary Johnson, Susannah Johnson and Ann Johnson, or to any one in their or either of their rights, for a release of their respective claims, interests, titles and demands of, in, and to the said tract of seven hundred acres, which sums shall be determined by the comptroller, *provided* such sums shall not exceed four sevenths of the proceeds of the sales of the said tract of seven hundred acres, on the sales thereof by the said commissioners.

*And be it further enacted* That before the comptroller shall issue his warrant as above mentioned, the said John Porteous and Alexander Ellice shall produce to the said comptroller a certificate from the attorney general, certifying that the said John Porteous and Alexander Ellice, have produced to him conveyances duly executed from the said George Johnson, Mary Johnson, Susannah Johnson, and Ann Johnson for the four sevenths of the said seven hundred acres of land, and that in his opinion they are sufficient to entitle them to a reimbursement as aforesaid; and the said John Porteous and Alexander Ellice shall also execute to the people of this State, a release of all claims and demands of them the said John Porteous and Alexander Ellice against the people of this State, for and on account of the claim and title of the said George Johnson, Mary Johnson, Susannah Johnson and Ann Johnson to the said lands so sold as aforesaid by the commissioners of forfeitures, or on account of the conveyances from the said commissioners of the said lands as aforesaid.

Preamble.

Appropriation to divers persons.

Conditions to be fulfilled before warrants drawn

**CHAP. 58.****AN ACT for the relief of the children of Martin Heyser.**

PASSED the 30th of March, 1798.

Grant of  
lands to  
persons  
named.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That it shall and may be lawful for the commissioners of the land office, to cause letters patent to be issued to Jacob Heyser, John Heyser, Rudolph Heyser, Catharine Heyser and Elizabeth Heyser, children of Martin Heyser, a private in the militia of this State, who was slain in the service of the United States in the late war, thereby granting to them and to their heirs, one lot out of the tract commonly known by the name of the military tract in the county of Onondaga, consisting of six hundred acres of land to be designated and fixed on by the said commissioners, the same being intended as a compensation for seven years half pay of the said Martin Heyser deceased.

**CHAP. 59.****AN ACT for the relief of Abraham Smith.**

PASSED the 30th of March, 1798.

Appropriation to  
Abraham  
Smith.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That it shall be lawful for the treasurer of this State, and he is hereby required, out of any moneys in the treasury not otherwise appropriated, to pay to Abraham Smith, the sum of eight hundred and twelve dollars and fifty cents, with interest for the same from the eleventh day of November in the year of our Lord one thousand seven hundred and eighty four, in discharge of the warranty on the part of the State, in consequence of a conveyance from Daniel Graham late commissioner of forfeitures for the middle district, to Harmanus Taleman, Peter Taleman and Jacob Wandle. *Provided* that the said Abraham Smith shall, upon such payment, deliver to the treasurer the original conveyance from the said commissioner to the said Harmanus Taleman, Peter Taleman and Jacob Wandle, and also their conveyance to him, with his release indorsed on the latter, of all his right, title and interest by virtue thereof to the people of this State.

**CHAP. 60.****AN ACT supplementary to the act entitled An act concerning the salt springs in the county of Onondaga.**

PASSED the 30th of March, 1798.

Preamble.

**WHEREAS** in pursuance of an act entitled "An act concerning the Salt Springs in the county of Onondaga" certain of the said salt springs have been leased to sundry persons on the condition among others, that the lessees respectively pay a rent of four cents on every

bushel of salt manufactured on the premises. *And whereas* for the want of storehouses, the superintendent has not been able to receive and take an account of the salt manufactured as aforesaid, and charge the rent or duty, payable thereon. Therefore

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That if any of such lessees shall on or before the first day of May next, deliver to the superintendent, an account under oath of the quantity of salt as nearly as he can ascertain it, which shall have been manufactured on the premises of which he is a lessee from the commencement of his lease till within six days next preceding that day, and shall pay the rent which therefrom appears to be due, he shall be considered as having paid his rent in full to that day; and if such lessee from whom rent shall afterwards become due as aforesaid, shall at the expiration of every three months thereafter, until the superintendent shall signify that he has a store ready to receive salt as by the said act is directed, render an account and pay in the same manner all the rent then become due, he shall be considered as having so far paid his rent in full; and if any lessee or lessees shall refuse or neglect to render any such accounts and pay the rents which have or shall so become due, it shall be the duty of the superintendent to give information thereof to the attorney general of this State, who shall thereupon prosecute such lessee or lessees on the covenants of his or their lease.

Accounts  
of salt  
manufactured.

*And be it further enacted* That if any lessee or lessees shall on or before the said first day of May next, execute a sufficient indorsement on his or their lease, purporting, that instead of the covenant therein contained, obligating him or them to pay four cents for every bushel of salt manufactured on the leased premises, he or they obligate themselves as a condition of holding the said leased premises, to pay a rent, at the rate of two cents per month for every gallon of the capacity of the kettles or pans he or they shall use for the boiling or manufacturing of salt on the said premises, and permit the superintendent to take the capacity of such kettles or pans as often as he shall judge necessary, and also to render an account of and pay such rent within six days next after the expiration of every quarter of the year during the term of the said lease, and that they will moreover conform to the further regulations prescribed by this act then such indorsement shall thenceforth be taken and construed as being in the place and stead of the covenant as aforesaid obligating the lessee or lessees to pay a rent of four cents on every bushel of salt manufactured on the said leased premises; and to carry into effect the foregoing provision, the surveyor general shall deliver the counter parts of the said leases lodged with him, to the said superintendent.

Leases at  
two cents  
a gallon for  
capacity of  
kettles.

*And be it further enacted* That such lessees as shall by their act as mentioned in the preceding section, elect to pay rent according to the capacities of their kettles or pans, shall once in every week deliver an account to the superintendent of all the salt they shall have respectively made in the preceding week and shall then have a right to sell the same on the premises, any thing in the act aforesaid to the contrary, notwithstanding. But they shall not sell or suffer to be sold any salt from their factories in quantities larger than three bushels, otherwise than in casks, boxes, or barrels, well made of seasoned timber, and by them respectively branded with the initials of their respective first names, and all the letters of their sir names or firms, and the number of bushels contained in each of such casks, boxes and barrels, and likewise inspected by the superintendent and branded

Id.; Ac-  
count of  
salt manu-  
factured.

with the initial of his first name and his surname at large, and all salt made and sold at such manufactories shall be sold by weight at the rate of fifty six pounds per bushel.

Work on  
unoccu-  
pied lots.

*And be it further enacted* That the superintendant be and he is hereby authorized to give permission to any person applying for any of the unoccupied lots containing salt springs which have been laid out or shall be laid out as herein after is directed, to erect works thereon for the manufacturing of salt, and if such applicant shall within four months thereafter have prepared a manufactory on such lot, complete with kettles or pans of the capacity of three hundred and forty gallons, it shall be lawf\* for the superintendant in behalf of the people of this State, to lease to him such lot, for a term to be compleated and ended on the twentieth day of June in the year one thousand eight hundred on the conditions prescribed by the before recited act, and by this act, and stipulating that the rent to be paid in consideration for the same be estimated in the manner aforesaid according to the capacity of the kettles or pans used on the premises.

Additional  
lots to be  
laid out.

*And be it further enacted*, That where at any of the salt springs occupied or applied for as aforesaid near the salt lake in the county of Onondaga lots have not been laid out comprehending the same, it shall be lawful for the superintendant to lay out lots agreeably to the directions of the before recited act and having made maps and descriptions thereof, approved by the surveyor general and filed in his office, the superintendant is hereby authorized, to lease in manner aforesaid, such lots to such occupants or applicants respectively.

Village to  
be laid out.

*And be it further enacted* That the superintendant shall on the ground adjoining to the south east side of Free street, so named on the map of the salt springs made by the surveyor general, lay out a square for a village consisting of sixteen blocks, each six chains square with intermediate streets conforming to the streets laid down on the said map made by the surveyor general, and divide each block into four house lots, and deliver a map and description thereof to the surveyor general, who having approved thereof, shall thereupon proceed to advertise and sell, not exceeding thirty of the said lots in the manner prescribed by law for the sale of the lots laid out at Oswego; *provided* that none of the said lots shall be sold for a less sum than forty dollars, *and provided also* that no lot on which there is a building of the value of fifty dollars shall be liable to be so sold, if the owner or occupant thereof thall agree to receive a deed therefor and pay for the same at the average price of the other lots sold as aforesaid.

Fence  
around  
wood  
lands.

*And be it further enacted* that in order to preserve the wood on the land reserved for the salt works, it shall and may be lawful for the superintendant, to cause to be enclosed, by a good sufficient fence, such parts of the said lands, and in such quantities or lots as he shall judge best calculated to preserve the young growths from cattle; and that he shall not permit any wood to be cut for the use of the salt springs after such enclosure or enclosures are made, except on the lands so enclosed, and on the swamp lying between the upland and the lake.

Actions of  
trespass.

*And be it further enacted* That it shall and may be lawtul for the superintendant, to bring actions of trespass in his own name for the cutting or carrying away of any wood or timber from the lands reserved by the people of the State for the use of the said salt works. by any person or persons whomsoever without permission from the

superintendent in writing, or the superintendent may at his discretion give information of such trespass or trespasses to the attorney general of this State, who shall bring such suit as shall be necessary for the recovery of damages.

*And be it further enacted* That it shall and may be lawful for the superintendent to lease to each lessee of the salt springs, and to such persons as may hereafter lease lots for the purpose of manufacturing salt, the quantity of five acres of swamp or marsh each, on condition of such improvement of the same and for such term of years as the superintendent shall judge most conducive to the interest of the State, not exceeding seven years, and shall allot to each of such lessees the quantity of five acres of upland, to be held by them severally, for and during, the term of their respective leases of the salt springs. Lease of swamp to salt manufacturers.

*And be it further enacted,* That it shall and may be lawful for the superintendent to erect a house on the lands belonging to the State near the salt springs, for his residence, the expence of which shall not exceed the sum of two hundred and sixty dollars, to be paid out of the surplus monies appropriated for erecting a public store. House of superintendent.

*And be it further enacted* That the superintendent may occupy the block-house for an office or other necessary use, and may repair the same *provided* that such repairs do not exceed the sum of sixty dollars, to be paid out of the surplus aforesaid; and the expences of building the said house and repairing the said block-house shall be audited by the comptroller. Office.

*And be it further enacted* That all persons who shall elect to pay their rents according to the capacity of the kettle or pan, shall contribute their respective proportions of the quantity of salt to be kept in store according to the capacity of such kettles or pans to be estimated by such superintendent. Contributions to public store by lessees at kettle rates.

*And be it further enacted* That if any person or persons shall directly or indirectly willfully injure or obstruct the said superintendent while in the actual execution of the duties of his appointment in any of the said manufactories or upon any of the said lots including any of the said salt springs so leased as aforesaid, the owner or owners of such manufactory or lot shall forfeit the same, and shall thereupon on complaint of the superintendent to the attorney general of this State be ejected and removed therefrom. Obstruction of superintendent.

## CHAP. 61.

AN ACT to amend the act entitled An act making provision to keep in repair the bridge over the Mohawk river below the Cohoes Falls.

PASSED the 30th of March, 1798.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That John Hazard of the town of Halfmoon in the county of Saratoga and Peter S. Schuyler of the town of Water-vliet in the county of Albany, be and they are hereby appointed commissioners with full power and authority, yearly and every year hereafter on the first Tuesday in May, to sell at public vendue, the toll of the bridge over the Mohawk river below the Cohoes Falls, together with the toll-house belonging to the same, for the term of one year then next ensuing; and that it shall be and is hereby declared to be Sale of toll privilege of Cohoes bridge.

the duty of the said commissioners or either of them in case of the sickness or absence of the other to give public notice of the time and place of the aforesaid sale, by an advertisement to be published in one of the newspapers printed in the city of Albany for the space of three weeks previous to such sale; and that it shall be lawful for the said commissioners or either of them in case of the sickness or absence of the other to demand such security from the purchaser or purchasers of the said toll and toll-house for the payment of the purchase-money as they shall deem necessary.

Applica-  
tion of pro-  
ceeds.

*And be it enacted* That the monies arising from the aforesaid sales, shall be applied to the repairing and keeping in repair the aforesaid bridge and toll-house, and in case any overplus shall remain in the hands of the said commissioners, to cutting away the rock at the north east end of the bridge and to the repairing of such parts of the highway leading to the said bridge on both sides of the Mohawk river as they shall think proper.

Injury to  
gates on  
bridge.

*And be it further enacted* That in case any person or persons shall wilfully cut down, or break open the gate or gates which now are or may hereafter be erected across the said bridge at the west end thereof, then such person or persons, shall for every such offence, forfeit the sum of fifteen dollars with costs, to be recovered in an action of debt by and in the name of the said commissioners before any one of the justices of the peace of the counties of Albany or Saratoga, and the said justice before whom a recovery shall be had by virtue of this act, shall forthwith pay the monies recovered to the said commissioners, or either of them to be by them or either of them applied to the uses and purposes aforesaid.

Account-  
ing by  
commis-  
sioners.

*And be it further enacted* That it shall be the duty of the said commissioners, annually to render an account on oath to the comptroller of this State of all the monies by them received and expended in virtue of this act; and that the said commissioners shall each be allowed for his services in performing the duties of this act at and after the rate of twenty dollars per annum, to be retained out of the monies to be by them received as aforesaid.

Part of act  
recited re-  
pealed.

*And be it further enacted*, That the second, third and fourth clauses of the act entitled "An act making provision to keep in repair the bridge over the Mohawk river below the Cohoes Falls, "passed the third day of April 1797," shall be and are hereby repealed.

No inn at  
toll house.

*And be it further enacted* That it shall not be lawful for any person to keep an inn or tavern in the toll-house at the said bridge.

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## CHAP. 62.

AN ACT granting to Alexander I. Turner and Adonijah Skinner an exclusive right of running a stage on the rout therein mentioned.

PASSED the 30th of March, 1798.

Stage priv-  
ilege  
granted to  
persons  
named.

*Be it enacted by the People of the State of New York represented in Senate and Assembly*, That Alexander I. Turner and Adonijah Skinner and their respective executors administrators and assigns shall have hold possess and enjoy for the term of five years from the first day of May next the sole and exclusive right liberty and permission to erect set up

and drive at all time and times hereafter during the time aforesaid such stage waggon waggons or other carriages for that purpose between the village of Lansingburgh in the county of Rensselaer and the town of Hampton in the county of Washington (passing through the towns of Hebron, Salem and Granville) as may be sufficient for the transporting of passengers on the said rout and that it shall not be lawfull for any other person or persons upon any pretence whatsoever during the term aforesaid to set up or drive any stage waggon or other carriages for the like purpose to or from either of the places on the rout aforesaid or any part thereof under the penalty of twenty dollars for each offence to be recovered with costs of suit in any court of record having cognizance of the same to the use of the said Alexander I Turner and Adonijah Skinner.

*And be it further enacted* That the said Alexander I. Turner and Adonijah Skinner their heirs executors administrators or assigns shall furnish and procure at least one good and sufficient covered stage waggon or other proper carriage to be drawn by two or more good and sufficient horses for the purpose aforesaid and the fare of each passenger therein shall not exceed five cents per mile including the privilege of carrying fourteen pound weight of baggage and for every one hundred and fifty pound weight of baggage not exceeding a like sum of five cents per mile and so in like proportion shall be paid for a greater or less quantity and the said stage waggon waggons or other carriages shall go and return at least once in each week during the time above mentioned on the part aforesaid unless the same shall be prevented by any temporary badness of the road or some other uncommon let or hindrance.

*Provided always*, that if the said Alexander I. Turner and Adonijah Skinner their executors administrators or assigns shall neglect or refuse to perform the duties aforesaid according to the true intent and meaning of this act that in such case the powers and privileges hereby granted shall cease and for ever become void.

Conditions  
on which  
privilege is  
granted.

## CHAP. 63.

AN ACT repealing the second section of the act entitled "An act for the relief of William Chase and for keeping in repair the bridge over Hosack river.

PASSED the 30th of March, 1798.

*Be it enacted, by the People of the State of New York, represented in Senate and Assembly*, That the second section of the act entitled "An act for the relief of William Chase and for keeping in repair the bridge erected over Hosack river" passed the twenty third day of March one thousand seven hundred and ninety two, be and the same is hereby repealed, and the said bridge over Hosack river shall be considered to be under the immediate direction of the superintendants of highways for the county of Rensselaer, as the other bridges in the said county are.

Bridge  
over Hoo-  
sack river,  
relative to.



## CHAP. 64.

AN ACT for confirming a partition of certain lands therein mentioned.

PASSED the 30th of March, 1798.

**Preamble.** WHEREAS Sarah I. Beeckman widow and relict of James I. Beeckman late of the city of New York deceased, and Catharine Hill, widow and relict of James Hill late of the said city deceased and mother of the heirs of the said James Hill, did, by their petition to the legislature at the last session, represent that George Smith, Thomas Hartell, Richard Duryee and the said James Hill in his life time were seized in fee simple of a certain tract of land in the county of Ulster in this State commonly called lot number sixteen in the great Hardenburgh patent as tenants in common. That some time in the year one thousand seven hundred and ninety three, a partition thereof was made by mutual consent between the said George Smith, Thomas Hartell, Richard Duryee and the said James Hill the then proprietors, and a map and field-book of the said lot was then made, shewing the survey and subdivision thereof duly proved, and remaining of record in the secretary's office of this State; and a copy of said map was made delineating the particular lots of each proprietor respectively, and certified on the back thereof by the said Richard Duryee, Thomas Hartell and George Smith to be the division of the said lot number sixteen as their names are thereon respectively to each lot mentioned; but before the deeds of partition could be executed the said James Hill died intestate, leaving several infant children: *And whereas* the said James I. Beeckman before his death did purchase of the said George Smith, Thomas Hartell and Richard Duryee their respective shares of the said lot; that owing to the infancy of the children of the said James Hill deceased, the said partition so as aforesaid made by his consent in his life time, cannot be compleated, nor any other partition had thereof, without pursuing the directions of the act entitled "An act for the partition of lands" whereby greater expences than those heretofore had concerning the partition already made will again accrue to the great injury of the parties: *And whereas* it was resolved by concurrent resolutions of the two houses of the legislature at their last session that the said Sarah I. Beeckman and Catharine Hill have leave to present to either house, at their next session, a bill to confirm the partition of the land mentioned in the said petition: *And whereas* it appears the publication required by the said resolution has been complied with; and they have prayed relief in the premises: Therefore

**Partition confirmed.** *Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the said partition of the said lot number sixteen made as aforesaid in severalty, shall be as valid and effectual to all intents and purposes, as if a partition of the said lot had been made pursuant to the statute herein before mentioned, any thing to the contrary in any wise notwithstanding.

## CHAP. 65.

## AN ACT to provide against infectious and pestilential diseases.

PASSED the 30th of March, 1798.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That there shall be three persons appointed commissioners of the health office of the city of New York, who shall assemble from time to time, as occasion may require, at the health office, for the execution of the business to them by this act entrusted; and that a person practicing physic, shall be appointed health officer of the said city, who shall by virtue of his appointment always be a member of the said office. *Provided always* that the several persons now holding and exercising the office of health officer and commissioners of the health office of the city of New York shall and may continue in their respective offices until others shall be appointed in their stead.

Health office established in New York city.

*And be it further enacted,* That it shall be lawful for the said commissioners of the health office, or a majority of them, as they shall judge advisable, to make and execute rules and orders for cleansing and scouring the streets, alleys, passages, curtilages, sewers, yards, cellars, vaults, sinks and other places, where filth and corruption collect within the said city, and for removing all offensive, noxious or putrid articles or substances which may be stored or otherwise collected within the said city; and all necessary expences for carrying the said rules and orders into effect, where the same relate to the cleansing of such places as are not the property of private individuals or citizens, shall be deemed as part of the contingent expenses of the said city, and the monies for defraying the same shall be raised in like manner as the other contingent expenses of the said city; and where the same shall relate to the cleansing of such places as are the property of individuals or citizens, such expenses shall be paid by the owners or proprietors, or occupiers or possessors thereof: *Provided* all such rules or orders shall be reported to, and may be suspended or repealed at any time, by the person administering the government of this State.—

Rules regarding streets, yards or vaults.

*And be it further enacted,* That whenever the city of New York, or any part thereof, shall be annoyed or rendered foul, by any manufactory, trade, work or business, producing noxious vapours, or highly offensive smells, or by any place where noxious or putrid substances shall be stored or collected within the said city, it shall be the duty of the said commissioners or a majority of them, if in their opinion the public health or that of individuals shall be endangered thereby, to proceed forthwith to such place or places as aforesaid, and to make due enquiry and strict examination respecting the same; and to this end, it shall be lawful for them or either of them, whenever it may be necessary, to require the aid or assistance of a justice of the peace and constable in making such enquiry and examination, who are hereby authorized and required to break open, whenever admittance cannot otherwise be obtained, the door or doors of such place where such manufactory, trade, work or business is carried on, producing or affording such noxious vapour or highly offensive smell, or where such offensive substances are deposited; and if the said commissioners or a majority of them, shall judge any such manufactory, trade, work, business or repository to be carried on or kept in such manner as to be a nuisance, they shall declare it so in writing to the owner or proprie-

Foul vapours and putrid substances respecting.

tor thereof, or in his absence, to such workman, clerk, keeper or one of the family, as they may then find on the premises, and at the same time shall require the removal, abatement, or discontinuance of the said nuisance, as the case may require, within a time to be limited in the said writing; and if on the expiration of the said time, the same order shall not have been complied with, it shall be the duty of the mayor or recorder of the said city, upon representation thereof to either of them made by the said commissioners or a majority of them, immediately to issue a warrant under the hand and seal of the said mayor or recorder, directed to the sheriff of the said city, commanding him forthwith and without delay, to cause to be removed, abated or discontinued such nuisance, and the person to whom such declaration and requisition in writing as aforesaid shall be made, shall besides for not complying therewith, be considered as guilty of a misdemeanor, and on complaint being made thereof in writing by any one or more of the said commissioners, to any one of the justices of the peace of the said city, it shall be the duty of such justice to bind the person so complained of, in a recognizance with sufficient surety in the sum of two hundred dollars, for his appearance at the then next general sessions of the peace in the said city, to answer to the said charge, and on due proof thereof, it shall be lawful for the said court to impose a fine on the person or persons so offending in a sum not exceeding one hundred dollars, out of which fine, the expences of removing, abating or causing to be discontinued such nuisance, shall be paid.

Quarantine  
of vessels.

*And be it further enacted* That every vessel arriving in the port of New York, from ports or places beyond the sea, having on board forty passengers or more; every vessel having on board one or more persons sick of a fever; all vessels arriving, on board of which a person or persons may, during the time such vessels were at the foreign port from whence they last sailed or during the passage thence to the port of New York, have died of a fever; and every vessel coming from a place where any infectious or pestilential diseases prevailed at the time of her sailing; and every vessel on board of which infectious or pestilential matter shall have been produced during her voyage, or during the time such vessel was at the foreign port from which she last sailed, shall be subject to quarantine of course, for such duration of time, as to the health commissioners it shall seem proper; and that no vessels otherwise subject to such quarantine, shall be exempted therefrom, by reason of having previous thereto entered into any of the ports in the United States, unless such vessel shall have remained in such port for fourteen days; and the several branch pilots and their deputies belonging to the port of New York, shall use their utmost endeavours, to hail every vessel coming into the said port from sea, and shall ask and demand of the master or commander of every such vessel, whether he has on board any person or persons labouring under any pestilential or infectious disease, or whether there is on board any cloathing or freight containing pestilential or infectious matter, and whether the sickness, if any, broke out on board, or existed amongst the inhabitants of the port from whence the vessel last sailed; and on being answered in the affirmative to any of the said questions, shall immediately give notice to the master or commander of such vessel that he subjects his vessel, crew, passengers and cargo to quarantine, and shall forbid him to proceed further than Bedlow's Island, or than the anchorage assigned by proclamation for quarantine, and shall direct him to anchor his vessel there, and to remain there until he shall receive further directions from the commissioners of the health office, or in

their default from the governor of the State, or in his absence from the mayor or recorder of the aforesaid city; and all such commanders of vessels are strictly forbid from putting on shore any person who belonged to, or performed the voyage in such vessel, and from unloading or putting on board of any other boat or vessel, any person or persons, cloathing, goods, merchandize or freight, from or out of his vessel, until direction to that effect shall be given him pursuant to this act; and every master or commander of any vessel, who shall give false information relative to the condition of his vessel, crew, passengers, freight or cargo, when hailed by any pilot, or shall, notwithstanding the forbiddance of such pilot, bring his vessel nearer the city than Bedlow's Island, or the ground assigned for quarantine, or land any passengers, or unlade any of his cargo, shall be considered as guilty of a misdemeanor, and on conviction thereof shall be fined by the court having cognizance of the same in the sum of two hundred dollars for each such offence. And every passenger, or any other person on board such vessel, departing therefrom or unloading any of the cargo thereof, without leave first obtained from the commissioners aforesaid, shall be considered as guilty of a misdemeanor, and be punishable (if convicted) in like manner as the master and commander last mentioned.—

*And be it further enacted* That upon complaint being made in writing by one or more of the commissioners of the health office, to the wardens of the port of New York, charging any pilot with neglect or violation of any of the duties herein prescribed or enjoined upon him, it shall be the duty of the said wardens of the port, forthwith to suspend such pilot from piloting any vessel until he shall have entered into recognizance before one of the justices of the peace for the city and county of New York in the sum of two hundred dollars, with sufficient sureties to answer to the offence wherewith he is charged, at the next general sessions of the peace, to be held in the city and county of New York; which offence the said court is hereby authorized to try and determine, and to impose such fine as they may deem proper, not exceeding the sum of one hundred and twenty five dollars; and it shall be the duty of every pilot who shall conduct any vessel subject to quarantine into the port of New York, to land immediately at the health office stairs, and to leave at the said health office in writing subscribed by him, the name of such vessel, and also the name of her commander, and the name of the place from which she last came or sailed.

Neglect of  
duty by  
pilot.

*And be it further enacted* That if any person or persons whatsoever shall go on board, or have any communication or dealings with any such vessel so laying at quarantine, without permission first obtained in writing with the signature of the health commissioners, or the health officer, shall be considered and adjudged guilty of a misdemeanor, and upon complaint being made by either of the commissioners, to one of the justices of the peace for the city and county of New York, he shall issue a warrant commanding some proper officer to bring the person or persons so complained of as aforesaid forthwith before him or some other justice of the peace for the city and county of New York, and the said justice before whom the said offender shall be brought, shall then and there demand of the said offender, that he or she shall enter into recognizance with sufficient surety in the sum of one hundred dollars, to appear at the next court of general sessions of the peace, to be holden in the city and county of New York, to answer unto the said complaint, of which offences the said court is hereby authorized and empowered to take cognizance, and impose such

Unlawful  
communi-  
cation.

finer as shall by them be thought proper, not exceeding the sum of fifty dollars; and if the said offender upon being brought before the justice, shall neglect or refuse to enter into recognizance as aforesaid, the said justice shall commit him to the common gaol of the city and county aforesaid, commanding the keeper thereof to receive and keep the said offender in the said gaol, until he shall enter into recognizance as aforesaid or he be discharged by due course of law; and in all cases mentioned in this act, where offenders are required to enter into recognizances, the justices aforesaid shall if required, proceed in the same manner as in this clause they are directed to do.—

Examina-  
tions by  
health of-  
ficer.

*And be it further enacted* That it shall be lawful for the health officer, and he is hereby authorized and required without delay to enter on board of every vessel coming into the port of New York under the circumstances aforesaid, and their to make strict search, examination and enquiry as to the health of the officers, seamen and passengers, and into the state and condition of the vessel, her cargo and contents respectively, and to report his discovery and opinion thereon with all speed to the health office for the consideration of the commissioners of the health office; and if any person or persons shall oppose or obstruct the health officer from performing the duties required of him by this act, each and every such offender shall be considered as guilty of a misdemeanor, and shall be fined in a sum not exceeding five hundred dollars.—

Fees of  
health of-  
ficer.

*And be it further enacted* That the said health officer, for his services in searching and examining vessels from foreign ports, in pursuance of this act, shall be entitled to and receive from the masters or commanders thereof respectively, the sum of seven dollars and fifty cents for each vessel so by him examined.—

Discharge  
of vessels  
from  
quaran-  
tine.

*And be it further enacted* That after the said health officer shall have visited and examined each vessel performing quarantine, it shall be his duty whenever he shall judge the same to be clean, safe and free from infection, to report her to the health office, that further directions may be given concerning her procedure, and the disposal of whatever freight, cargo or materials she may contain; and for the better performance of his trust that the health commissioners shall furnish him at all times, when he shall require it, with a convenient boat, with men sufficient to row the same, and for that end, it shall be lawful for them to contract with any person for that purpose; and in order that the said health officer may be more effectually enabled to make examination whatever vessels ought to be subjected to quarantine, it shall be lawful for him to put all such questions to the persons on board such vessels, as shall be needful and proper to that end, and the persons to whom such questions shall be put, may be required to answer the same on oath, which oath he is hereby authorized to administer accordingly; and every person swearing falsely in the premises, shall be liable to the pains and penalties of wilfull and corrupt perjury.

Coasting  
vessels.

*And be it further enacted*, That all coasting vessels, altho' not liable to quarantine, of course, shall be subject to examination, if the health officer shall deem it expedient, by some fit person to be by him deputed, who shall have such reasonable compensation for his services, to be paid by the commissioners of the health office as they shall deem right.

Fees to be  
paid by  
coasting  
vessels.

*And be it further enacted* That the health officer, shall for his services in visiting such coasting vessels, as shall by law, be subject to quarantine, be entitled to and receive from the masters or commanders

thereof respectively, the sum of four dollars, for each vessel so visited by him in person.

*And be it further enacted*, That it shall be lawful for the governor of the State, or in his absence, the mayor of the city of New York, or in the absence of both of them, the recorder of the city, from time to time, whenever it shall appear adviseable, to issue publicly his order, declaring what other description of vessels, to be therein designated, together with the ports, islands or countries whence they come, shall also be subject to quarantine; that it shall be lawful for him to specify, assign and limit in his said proclamation, the place or places where all vessels so subjected to quarantine, shall, on their arrival within the said port, be brought to anchor, and remain until they have been visited and examined by the health officer of the port, and by him reported to the health officer as clean, healthy and fit to proceed. That in like manner it shall be lawful for him to issue his proclamation, prohibiting or regulating the intercourse by land and ferries between the city and county of New York and any other place, where he shall learn that a pestilential or infectious disease doth prevail; and that all persons offending in the premises, shall be liable to punishment as for a misdemeanor by fine and imprisonment, at the discretion of the court having cognizance thereof; and moreover it shall be lawful for the said commissioners of the health office to cause any vessel subject to quarantine, which, before she shall have been so visited, examined and reported as aforesaid, shall be brought to anchor elsewhere in the port of New York, and all vessels though not described in this act, or in such order to be made as above mentioned, as vessels subject to quarantine, or having on board a person sick with a disease, which in the judgment of the health officer there is reason to believe is infectious, or having on board articles suspected of harbouring or containing infectious matter, whether brought from foreign countries, or generated or accumulated on board, to be removed to, and brought to anchor within, the place or places so to be assigned or limited, and to cause all persons, articles or things which may have been landed to be seized and arrested, and to be returned forthwith on board such vessel, or removed to the lazaretto hereinafter mentioned; and it shall be further lawful for them to cause all persons who shall come into this State, contrary to the prohibitions and regulations in such order or proclamation as aforesaid to be apprehended, and if well, to be conveyed out of this State whence they last came, and if sick, to be removed to the lazaretto.

*And be it further enacted* That a sum not exceeding one thousand dollars, part of the four thousand five hundred dollars heretofore granted by the State towards erecting a lazaretto on Governors Island, shall be appropriated towards repairing the buildings for the reception of the sick on Bedlow's Island, and that it shall be lawful for the commissioners of the health office, under the direction of the governor, to cause such repairs as shall be necessary, to be made, and the comptroller is hereby authorized and directed to grant his warrants on the treasury from time to time, to the commissioners for such sum, and the remainder of the said sum of four thousand five hundred dollars shall be appropriated towards erecting a lazaretto on such place, as shall be designated hereafter by law.

*And be it further enacted* That all persons and things within the city of New York, infected by or tainted with pestilential matter, which in the opinion of the commissioners of the health office, ought to be removed from the said city, shall by order of the said commis-

Orders of  
governor  
or mayor  
extending  
quarantine.

Lazaretto  
to be  
erected.

Removals  
to laza-  
retto.

sioners be sent to the lazaretto; *provided always* that the expences, in the said lazaretto, of all persons who shall at any time be removed thereto from the city of New York, having gained a legal settlement in the said city, and who shall not have sufficient means to pay for their board, medicine and attendance, shall be deemed to be, and shall be borne and paid as part of the contingent expences of the said city.

Duty of health officer respecting lazaretto.

*And be it further enacted* That the said health officer shall be physician of the said lazaretto, and the said commissioners of the health office, shall in other respects have the superintendance thereof, and employ mates, nurses and attendants, and provide bedding, cloathing, fuel, provisions, medicine and such other matters as shall be requisite therein, and it shall be lawful for them to make reasonable, prudential and needful rules and orders for the government and management of the said lazaretto.

Persons removed liable for care.

*And be it further enacted* That all persons removed to the said lazaretto other than those who have paid hospital money, shall be liable to pay a reasonable sum for their board and medicine and attendance therein, and if any of them, deemed to have sufficient means, shall refuse or neglect to pay such sum as they may be reasonably charged with, the same shall be sued for and recovered from them by the said commissioners, by an action on the case in their own names.

Seamen at lazaretto.

*And be it further enacted,* That the master, commander or owner of every vessel, leaving any seaman or sailor, belonging to such vessel, sick in the said lazaretto, other than those seamen who pay hospital money, they or either of them shall pay unto the commissioners such sum or sums of money as have been expended on him or them for their board, attendance and medicine during the time they were in the said lazaretto, to be sued for and recovered by the said commissioners, as in the last preceding section.

Reports of pestilential diseases by physicians.

*And be it further enacted* That every person practicing physic in the said city who shall have a patient labouring under a pestilential or infectious disease shall forthwith make a report in writing to some one of the said commissioners of the health office, and in neglecting so to do he shall be considered guilty of a misdemeanor, and be fined in a sum not exceeding fifty dollars.—

Fees to be demanded by wardens of the port.

*And be it further enacted* That the wardens of the port or either of them are hereby authorized and required to demand and receive, and in case of neglect or refusal to sue for and recover in their own names or in the name of either of them, with costs of suit, of and from the captain or commander of every ship or other vessel which shall hereafter enter the port of New York from any foreign port, the following sums to wit; for each captain or commander, one dollar; for each cabin passenger, one dollar; for each steerage passenger, fifty cents; for each mate, fifty cents; and for each sailor on board such ship or vessel, fifty cents; which several sums shall be demandable of the captain or commander of every such ship or vessel, and on payment thereof every such captain or commander shall and may lawfully demand and receive from every such person, on whose account the same shall have been respectively paid, the monies so by him paid on account of any of the said persons; and which said monies so to be received by the said wardens of the port or either of them, shall be by them respectively paid over to the commissioners of the health office to be disposed of in such manner as is directed in the act entitled “An act providing for the expence of the health office in the city of New York.”

Accounts to be rendered.

*And be it further enacted* That it shall be the duty of the said commissioners of the health office to account annually to the comptroller

for all such monies received and paid by them; and that the said wardens of the port of New York shall receive as a compensation for collecting and paying the same at the rate of seven per cent.—

*And be it further enacted* That it shall be lawful for the said health officer whenever he shall judge it necessary to prevent infection, to cause any bedding and clothing, arriving in a vessel subject to quarantine to be destroyed.—

Destruction of bedding

*And be it further enacted* That it shall be lawful for the commissioners of the health office, when in their opinion it shall be necessary for the public safety, to procure and employ occasionally medical advice and assistance, the expence of which shall be considered and settled as part of the contingent expences of the city and county of New York.

Extra medical aid.

*And be it further enacted* That the avails of all fines and forfeitures of recognizances, imposed and received under this act, shall be paid to the said commissioners of the health office, to be by them applied towards defraying the expences of the health office.

Application of moneys arising from fines.

*And be it further enacted* That nothing in this act contained, shall be construed to interfere with the remedies against nuisances prescribed by the common law.

Common-law remedies not affected.

*And be it further enacted*, That if the owner or occupant of any lot of ground in the city of New York shall refuse or neglect to fill up, raise, reduce or level such lot, in such manner as the same shall by any bye-law, rule, ordinance or order of the common council of the said city be required to be filled up, reduced, levelled or raised, it shall then be lawful for the mayor, aldermen and commonalty of the said city to cause such lot or lots to be filled up, raised or levelled, and the amount of the monies which they shall have advanced for that purpose, with lawful interest for the same, shall be deemed a lien on such lot or lots, and shall be recoverable by them as for monies advanced for the use of the defendants, by suit against the owner or any other occupant or future owner of such lot or lots at their election in any court having cognizance of the same.

Filling and levelling lots.

*And be it further enacted* That the proviso of the first section of the act entitled "An act for the more effectual prevention of fires in the city of New York," be & hereby is repealed; but that it shall nevertheless be lawful for any of the ship-chandlers in the city of New York to have and keep in any inclosure within the limits aforesaid, a quantity of pitch, tar, rosin, or turpentine, not exceeding in the whole, twenty barrels at any one time.—

Ship chandlers.

*And be it further enacted* That the said commissioners of the health office shall hereafter be excused from serving on juries, as long as they shall continue to exercise the said office.—

Exemption from jury duty.

*And be it further enacted* That the act entitled "An act to prevent the bringing in and spreading of infectious diseases in this State" passed the 4th May 1784; and the act entitled "An act to amend the act entitled "An act to prevent the bringing in and spreading of infectious distempers in this State" passed 27th March 1794; and the act entitled "An act to prevent the bringing in and spreading of infectious distempers in this State" passed the first of April 1796; and the act entitled "An act to amend the act entitled an act to prevent the bringing in and spreading of infectious diseases in this State" passed 10th February 1797; and the act entitled "An act to amend the law to prevent the bringing in and spreading infectious diseases" passed the 6th of March 1797; and an act for the establishment and support of a lazaretto," passed 30th March 1797; so far as they respect the

Acts repealed.



city and county and port of New York, and excepting so much of the last enacting clause as relates to the master and wardens of the port of New York, be and the same are hereby repealed. —

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## CHAP. 66.

AN ACT relative to the public building in the city of Albany and for erecting an arsenal in the city of New York.

PASSED the 30th of March, 1798.

- Preamble.** WHEREAS it appears from the representation of the commissioners appointed to superintend the erection of a public building in the county of Albany, that the sums of money heretofore appropriated by law are insufficient for the purpose of compleating the said building and that the further sum of ten thousand five hundred dollars will be necessary to compleat the same. Therefore
- Appropriation.** *Be it enacted by the People of the State of New York represented in Senate and Assembly* That the treasurer of this State, be and he is hereby authorized and directed to pay to the commissioners appointed to superintend the erection of a public building in the county of Albany on the warrant of the comptroller of the State a sum not exceeding ten thousand five hundred dollars to be by them laid out and expended in compleating the building aforesaid.
- Audit of accounts.** *And be it further enacted* That the comptroller shall audit and allow the account of the said commissioners of the materials purchased for erecting a State prison in the county of Albany and by them applied to the aforesaid building.
- Arsenal in New York city.** *And be it further enacted* That the governor shall be and hereby is authorized and required to cause a proper building sufficient to secure and preserve the field artillery and small arms belonging to this State to be erected in the city of New York and the treasurer is hereby required to pay on the warrant of the comptroller to such person as shall be appointed by the governor to superintend the erection of such building a sum not exceeding three thousand dollars—
- Moneys to be borrowed.** *And be it further enacted* That it shall be lawful for the comptroller to borrow the money for the purposes aforesaid if their should not be sufficient in the treasury pursuant to the directions of the act for appointing a comptroller in this State.

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## CHAP. 67.

AN ACT for the relief of Anna Breadbake and Ann Ogilvie.

PASSED the 31st of March, 1798.

- Preamble.** WHEREAS it hath been represented to the legislature by Anna Breadbake that she is the widow of John Breadbake late of the town of Palatine in the county of Montgomery deceased. That the said John Breadbake died intestate and without heirs, seised of the several parcels of land following that is to say, one hundred acres of land being known and distinguished by the name of lot number fifty seven in a

patent granted to George Klock, William Nellis, Conrad Klock and others by letters patent on the twenty first day of December in the year one thousand seven hundred and fifty four. Twenty five acres of land, being the southernmost half part of lot number twenty nine in the first division of the patent of Stone Arabia formerly patent unto Andrew Finck, Christian Garlock and others. Thirty two acres three quarters and an half of land being lot number three out of a large lot number fourteen in the last division of the patent of Stone Arabia, formerly granted unto Andrew Finck, Christian Garlock and others. Three acres three rods and thirty six perches of land being part of lot number ten in a tract of land formerly granted to Philip Schuyler, Lewis Morris Junior and others on the eighth day of March one thousand seven hundred and twenty two. Two acres of land being part of lot number one in a patent formerly granted unto Francis Harrison, Lewis Morris Junior, John Spradt, John Schuyler and others. One hundred acres of land being known by the name of lot number one, being part of two larger lots number nine and ten in a patent granted unto Francis Harrison and others, all which several pieces or parcels of land are situate lying and being in the town of Palatine aforesaid, which real estate is deemed to have escheated to the people of this State; and the said Anna Breadbake hath prayed the legislature to pass a law vesting all the right and title of the people of this State of, in and to the said real estate in her the said petitioners, subject nevertheless to the payment of the debts of the said John Breadbake, which request doth appear to the legislature to be reasonable: Therefore.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That all the right and title of the said people of, in and to all such the aforesaid parcels of land whereof the said John Breadbake died seised with the appurtenances, shall be and is hereby declared to be absolutely vested in the said Anna Breadbake her heirs and assigns forever. *Provided* and it is hereby declared that the said Anna Breadbake shall be answerable to the creditors of the said John Breadbake in the same manner as if she was devisee of the lands and appurtenances hereby vested in her.

Lands released to Anna Breadbake.

*Whereas* it appears that John Ogervie late of Ulster county gardener deceased, was in his life time vested with an estate in fee simple of, in, and to one fourth part of a tract of land containing four hundred acres, granted by letters patent to John Campbell Joseph Harp and six others, lying and being in the then county of Albany, now the county of Washington on the east side of Hudsons river between the north branch thereof and Lake George. And also that the said John Ogervie died intestate and without heirs. Therefore

*Be it further enacted,* That all the right title interest claim and demand whatsoever of the people of this State, of in and to, all the one fourth part of the aforesaid tract of four hundred acres, be and the same is hereby vested in Ann Ogervie widow of the said John Ogervie her heirs and assigns forever: *Provided always,* that the said Ann Ogervie shall be, and is hereby made liable to and chargeable with the payment of all debts which the said John Ogervie owed at the time of his death not exceeding the value of the said premises, in the same manner as if she was his heir and devisee, and in all actions against her for any such debt, the value of the premises shall be considered as assets in her hands.

Lands released to Ann Ogervie.

## CHAP. 68.

AN ACT for the payment of certain officers of government, and other contingent expences.

PASSED the 31st of March, 1798.

Annual appropriation bill; surveyor-general.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That the treasurer of this State shall on or before the first day of July next, on the warrant of the comptroller, pay to Simeon De Witt, surveyor general of this State the sum of twelve hundred and fifty dollars, for his services in his said office from the first day of July last to the first day of July next. *Provided nevertheless* that the said Simeon De Witt shall account with the comptroller of this State, and pay into the treasury all the fees which he may have received or shall receive, as surveyor general, during the time above mentioned, and which have not been yet accounted for and paid.

Surveyor-general.

*And be it further enacted* That the treasurer shall pay on the order of the comptroller such sums as shall be due to the surveyor general for the services enjoined on him by the concurrent resolutions of the senate and assembly of the first and third days of April and fourteenth of March 1797, and by the act passed the 17th day of March 1797 entitled "An act for the relief of Nicholas Aldridge & others.

John Morton.

*And be it further enacted* That the treasurer shall on the order of the comptroller, pay to John Morton late printer to this State such sum as shall be due to him for his services as printer to this State on the sixteenth day of January last.

State printers.

*And be it further enacted* That the treasurer shall pay unto Loring Andrews and Company, printers to this State such sums of money as shall be certified by the comptroller to be due them for printing the laws and journals of the present session of the legislature, and such other printing as has been or may be done by them, agreeably to a contract made with them by the comptroller, in pursuance of concurrent resolutions passed the thirteenth and fifteenth days of January last.

Adjutant-general.

*And be it further enacted* That the treasurer shall pay to David Van Horn, adjutant general of the militia of this State, the sum of fifteen hundred dollars for his services in his said office from the first day of July last until the first day of July next.

Chaplain of legislature.

*And be it further enacted* That the treasurer shall pay to such of the clergy as shall have attended the legislature as chaplains during the present session, the sum of two dollars and fifty cents each, for every day they shall have so attended; which sums shall be certified by the president of the senate and speaker of the house of assembly.

Members of legislature.

*And be it further enacted* That the treasurer shall pay to the president of the senate and to the speaker of the house of assembly, at and after the rate of two dollars and twenty five cents per day for each days attendance; and to each member of the senate and assembly the sum of one dollar and fifty cents per day, for each days attendance at the present session, and for travelling at the rate of twenty miles per day; which said sums shall be paid in addition to the sum allowed in and by the act entitled "An act for the support of government."

How accounts signed.

*And be it further enacted* That the compensation which may as aforesaid become due to the president of the senate, and speaker of the

assembly, shall be paid by the treasurer to the said president and speaker respectively on the warrant of the comptroller to be issued on the production of their accounts signed by them respectively.

*And be it further enacted* That the treasurer shall pay to the clerk of the senate and to the clerk of the assembly the sum of two dollars and twenty five cents per day each, and the like travelling charges as are hereby allowed to the members of the legislature in addition to the compensation allowed them in and by the act entitled "An act for the support of government."

Clerks of legislature.

*And be it further enacted* That the treasurer shall pay to the serjeant at arms of the senate, and serjeant at arms of the assembly, the door keeper to the senate and door keeper to the assembly the sum of one dollar per day each, for their attendance and travelling at the rate of twenty miles per day to and from their respective places of abode in addition to the sums allowed by the act entitled "An act for the support of government," and to the messenger and door keeper of the council of revision and council of appointment the sum of three dollars per day.

Officers of legislature.

*And be it further enacted*, That the treasurer shall pay to each member of the joint committee of the senate and assembly appointed at the present session of the legislature to canvass the ballots to be taken at the next election for governor, lieutenant governor and senators for this State, and for representatives to represent this State in the house of representatives of the Congress of the United States, the like compensation per day for their services and travelling as the members of the legislature at their present session.

State canvassers.

*And be it further enacted*, The members of the council of appointment shall for their attendance during the recess of the legislature be entitled to the like allowance per day and for travelling as by this act is allowed to the members of the legislature.

Council of appointment.

*And be it further enacted*, That from the first day of July last to the first day of July next, their shall be allowed to the several officers of government hereafter mentioned in addition to the annual salaries now allowed them and each of them respectively, in and by the said act entitled "An act for the support of government," the following sums to wit; to the person administering the government of this State the sum of twelve hundred and fifty dollars; to the chancellor the sum of six hundred and twenty five dollars; to Robert Yates late chief justice, and John Sloss Hobart late one of the justices of the supreme court of judicature, during the time that they respectfully held those offices since the first day of July last at and after the rate of six hundred and twenty five dollars a year each; to the chief justice and each of the other judges of the supreme court at and after the rate of six hundred and twenty five dollars a year; to the secretary of the State at the rate of three hundred and seventy five dollars a year; to Gerard Bancker late treasurer of this State at and after the rate of five hundred dollars a year.

Additional allowances to State officers.

*And be it further enacted* That the treasurer shall pay to Robert Hunter, commissary of military stores, for his services in the said office for one year, from the first day of July last to the first day of July next the sum of one hundred and twenty five dollars; and also to the said Robert Hunter thirty eight dollars nineteen and an half cents, in full for articles by him furnished on account of the field artillery of this State; on producing his account thereof to the comptroller; to the private secretary of the person administering the government the sum of two hundred and fifty dollars; to Jasper Hopper deputy secre-

Commissary of military stores.

## CHAP. 68.

AN ACT for the payment of certain officers of government, and other contingent expences.

PASSED the 31st of March, 1798.

Annual appropriation bill: surveyor-general.

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Surveyor-general.

*And be it further enacted* That the treasurer shall pay on the order of the comptroller such sums as shall be due to the surveyor general for the services enjoined on him by the concurrent resolutions of the senate and assembly of the first and third days of April and fourteenth of March 1797, and by the act passed the 17th day of March 1797 entitled "An act for the relief of Nicholas Aldridge & others.

John Morton.

*And be it further enacted* That the treasurer shall on the order of the comptroller, pay to John Morton late printer to this State such sum as shall be due to him for his services as printer to this State on the sixteenth day of January last.

State printers.

*And be it further enacted* That the treasurer shall pay unto Loring Andrews and Company, printers to this State such sums of money as shall be certified by the comptroller to be due them for printing the laws and journals of the present session of the legislature, and such other printing as has been or may be done by them, agreeably to a contract made with them by the comptroller, in pursuance of concurrent resolutions passed the thirteenth and fifteenth days of January last.

Adjutant-general.

*And be it further enacted* That the treasurer shall pay to David Van Horn, adjutant general of the militia of this State, the sum of fifteen hundred dollars for his services in his said office from the first day of July last until the first day of July next.

Chaplain of legislature.

*And be it further enacted* That the treasurer shall pay to such of the clergy as shall have attended the legislature as chaplains during the present session, the sum of two dollars and fifty cents each, for every day they shall have so attended; which sums shall be certified by the president of the senate and speaker of the house of assembly.

Members of legislature.

*And be it further enacted* That the treasurer shall pay to the president of the senate and to the speaker of the house of assembly, at and after the rate of two dollars and twenty five cents per day for each days attendance; and to each member of the senate and assembly the sum of one dollar and fifty cents per day, for each days attendance at the present session, and for travelling at the rate of twenty miles per day; which said sums shall be paid in addition to the sum allowed in and by the act entitled "An act for the support of government."

How accounts signed.

*And be it further enacted* That the compensation which may as aforesaid become due to the president of the senate, and speaker of the

assembly, shall be paid by the treasurer to the said president and speaker respectively on the warrant of the comptroller to be issued on the production of their accounts signed by them respectively.

*And be it further enacted* That the treasurer shall pay to the clerk of the senate and to the clerk of the assembly the sum of two dollars and twenty five cents per day each, and the like travelling charges as are hereby allowed to the members of the legislature in addition to the compensation allowed them in and by the act entitled "An act for the support of government."

Clerks of legislature.

*And be it further enacted* That the treasurer shall pay to the serjeant at arms of the senate, and serjeant at arms of the assembly, the door keeper to the senate and door keeper to the assembly the sum of one dollar per day each, for their attendance and travelling at the rate of twenty miles per day to and from their respective places of abode in addition to the sums allowed by the act entitled "An act for the support of government," and to the messenger and door keeper of the council of revision and council of appointment the sum of three dollars per day.

Officers of legislature.

*And be it further enacted*, That the treasurer shall pay to each member of the joint committee of the senate and assembly appointed at the present session of the legislature to canvass the ballots to be taken at the next election for governor, lieutenant governor and senators for this State, and for representatives to represent this State in the house of representatives of the Congress of the United States, the like compensation per day for their services and travelling as the members of the legislature at their present session.

State canvassers.

*And be it further enacted*, The members of the council of appointment shall for their attendance during the recess of the legislature be entitled to the like allowance per day and for travelling as by this act is allowed to the members of the legislature.

Council of appointment.

*And be it further enacted*, That from the first day of July last to the first day of July next, they shall be allowed to the several officers of government hereafter mentioned in addition to the annual salaries now allowed them and each of them respectively, in and by the said act entitled "An act for the support of government," the following sums to wit; to the person administering the government of this State the sum of twelve hundred and fifty dollars; to the chancellor the sum of six hundred and twenty five dollars; to Robert Yates late chief justice, and John Sloss Hobart late one of the justices of the supreme court of judicature, during the time that they respectfully held those offices since the first day of July last at and after the rate of six hundred and twenty five dollars a year each; to the chief justice and each of the other judges of the supreme court at and after the rate of six hundred and twenty five dollars a year; to the secretary of the State at the rate of three hundred and seventy five dollars a year; to Gerard Bancker late treasurer of this State at and after the rate of five hundred dollars a year.

Additional allowances to State officers.

*And be it further enacted* That the treasurer shall pay to Robert Hunter, commissary of military stores, for his services in the said office for one year, from the first day of July last to the first day of July next the sum of one hundred and twenty five dollars; and also to the said Robert Hunter thirty eight dollars nineteen and an half cents, in full for articles by him furnished on account of the field artillery of this State; on producing his account thereof to the comptroller; to the private secretary of the person administering the government the sum of two hundred and fifty dollars; to Jasper Hopper deputy secre-

Commissary of military stores.

tary of this State, the sum of two dollars per day for his attendance on the legislature the present session, and the like sum for each days travel from and to his place of abode, at and after the rate of twenty miles per day.

Visiting  
Indians.

*And be it further enacted*, That the treasurer shall pay to the order of the governor such sums as may be certified by the comptroller to have been paid to the Indians who have visited the seat of government the present session, or to have been expended on their account in pursuance of the several concurrent resolutions of the senate and assembly of the present session.

Indian  
commissioners

*And be it further enacted* That the treasurer shall on the order of the comptroller pay to each of the commissioners appointed to treat with the Oneida Indians for the purchase of their lands, the like sum per day for every day they shall respectively be employed in that business, as is allowed to the members of the legislature the present session, and also such further sum not exceeding one thousand dollars, as may be necessary to complete the purchase agreed to be made of the Oneida Indians, and discharge the expenses to accrue thereon.

How act  
rected,  
construed.

*And be it further enacted* That the act entitled "An act to empower the governor to provide for the entertainment of Indians visiting the seat of government of this State on business" shall be construed to extend to all Indians who shall visit the seat of government on any business.

Time limited by act  
specified  
continued.

*And be it further enacted* That the time limited in and by the act abolishing the office of clerk of the circuit courts and courts of oyer and terminer and goal delivery, and substituting the clerks of the several counties to be clerks of said courts within the counties respectively passed the twelfth day of February one thousand seven hundred and ninety six, for procuring the books and transcribing and delivering the minutes of the court of oyer and terminer as is therein mentioned, shall be and hereby is extended to the first day of January next, and that the treasurer shall pay on the warrant of the comptroller to the late clerk of the courts of oyer and terminer and goal delivery, the amount of his account for transcribing the minutes mentioned in the said act, agreeably to the allowance made therein, and also the amount of his account for the purchase of the books mentioned in the said act.

Representatives of  
Nathaniel Wattler.

*And be it further enacted*, That the treasurer shall pay to the legal representatives of Nathaniel Wattler deceased, elected a member of the assembly, but who died previous to his taking his seat, one hundred dollars in full for his attendance to take his seat in the said house.

Printing.

*And be it further enacted* That the treasurer shall pay such sums as shall be certified by the comptroller to be due to any person or persons for printing performed for this State.

Commissioners  
under Vermont act.

*And be it further enacted* That the comptroller shall from to time liquidate the accounts of the commissioners appointed by the act entitled "An act concerning the money paid into the treasury of this State by the State of Vermont" for their reasonable expenses incurred in the execution of the duties enjoined upon them; and shall draw his warrant on the treasury for the amount thereof to be paid out of the monies in the treasury unappropriated.

Rate of allowance.

*And be it further enacted* That there be allowed to the said commissioners in compensation for their services for such time as they have been engaged in the discharge of the trusts reposed in them by virtue of the said act, at and after the rate of four dollars per day to be ascertained and determined by the comptroller.

*And be it further enacted,* That there be allowed to the commissioners who were appointed during the present session of the legislature, to treat with a deputation from the Oneida tribe of Indians for the purchase of part of their reserved lands, at and after the rate of four dollars per day for every day they were severally employed in that service, and also such further sum as they have advanced to and on account of the said Indians in pursuance of their appointment, to be audited by the comptroller. And that the treasurer pay to such commissioner, under the authority of the United States as shall attend at the treaty to be held at or near Oneida for ratifying the agreement made with the said Indians for the purchase of their said lands such sum as his excellency the governor shall certify to the comptroller to be a reasonable compensation for his services, not exceeding eight dollars per day. *And further* that the commissioner or commissioners to be appointed by his excellency the governor for ratifying the said agreement with the said Oneida Indians may draw from the treasury on the order of the comptroller such sum as may be necessary to complete the said purchase so agreed to be made, not exceeding one thousand dollars.

Indian  
commis-  
sioners.

*And be it further enacted* That it shall be lawful for the treasurer to pay to the person administering the government of this State for the time being to defray the immediate charges which may arise in and about the administering the government of this State, such sum or sums as he shall require, not exceeding in the whole the sum of seven hundred and fifty dollars.

Contingent  
fund for  
governor.

*And be it further enacted,* That George P. Weisenfels of the city of New York is hereby released from all the right and interest of the people of this State in the judgment heretofore recovered against him by John De Witt in the supreme court of this State: *Provided how- ever* that nothing herein contained shall be deemed to affect or impair, the right and interest of the said John De Witt in the residue of the same judgment but that the sum due to the people of this State on the said judgment, shall be deemed and taken as so much paid on the said judgment.

Release of  
judgment  
against  
George P.  
Weisen-  
fels.

*And be it further enacted* That the comptroller shall audit the account of Hermanus P. Schuyler for services performed by him under the act entitled "An act authorizing the surveyor general to ascertain the eastern boundary line of the lands ceded by this State to the Commonwealth of Massachusetts and for other purposes therein mentioned" and to allow the same at and after the rate of three dollars exclusive of expenses and thereupon to draw his warrant on the treasurer for the amount of such compensation and all reasonable expenses therein. And that the treasurer shall pay on the warrant of the comptroller to the surveyor general the amount of the expenses which he may have incurred in executing the duties enjoined on him by the commissioners of the land office in conformity to the said act.

Account of  
Hermanus  
P. Schuy-  
ler.

## CHAP. 69.

### AN ACT to regulate the fishery in Otsego Lake.

PASSED the 31st of March, 1798.

WHEREAS it has become necessary to guard against the destruction of the fish in Otsego Lake at a season of the year when they are of little or no value. Therefore.

Preamble.



Net fishing  
in Otsego  
lake.

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That no person or persons shall fish with a net or seine in the waters of Otsego Lake at any time between the twenty fifth day of May and the first day of October in any year hereafter.

Penalty for  
violations.

*And be it further enacted,* That if any person or persons shall fish with a net or seine in Otsego Lake at any time between the twenty fifth day of May and the first day of October in any year hereafter, and shall be thereof convicted, he or she shall for every such offence forfeit and pay the sum of ten dollars to be recovered by action of debt, with costs of suit before any justice of the peace in the said county of Otsego or in any court having cognizance thereof, one moiety thereof to the use of the person who shall prosecute for the same and the other moiety to the use of the poor of the town in which the conviction shall be had.

## CHAP. 70.

AN ACT for the relief of the purchasers of certain lands in the fourth allotment of the Royal Grant and for other purposes.

PASSED the 31st of March, 1798.

Appropriation to persons holding lands in Royal Grant.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That it shall and may be lawful for the treasurer of this State, and he is hereby directed and required on the order of the comptroller, to pay to such persons respectively as hold lands in the fourth allotment of the Royal Grant which were improperly sold by the commissioners of forfeitures for the western district of this State out of any monies in the treasury not otherwise appropriated, the sum or sums for which the lands so holden were sold, with interest at six per cent per annum, to be computed from the date of the conveyances given by the commissioners for the said lands: *Provided always,*

Certificates to be produced

*And be it further enacted* That the comptroller shall not give orders on the treasurer for the payment of the said monies to any person, until he or she shall produce to him a certificate from the attorney general, certifying that proofs and vouchers have been produced to him, by which he is satisfied that such person is vested with the title derived from the commissioners to such particular lot or lots, or part of lot or lots of land so conveyed as aforesaid and not forfeited to the people of this State; *and provided also* that the said persons shall at the same time execute a release of all their right and title claim and demands to the said lots to the people of this State, and deposit the same with the comptroller.

Release of certain lands to occupants.

*And be it further enacted* That it shall and may be lawful to and for the surveyor general of this State and he is hereby required to release and convey to the several occupants of the lands surveyed by him in pursuance of the direction contained in the fourth section of an act entitled "An act for the relief of Nicholas Aldridge and others all the right title and interest of the people of this State in and to the same lands; *provided always* that such conveyances to such occupants shall include only the farms or lots of land by them respectively purchased or contracted for which farms or lots of land so to be conveyed shall not exceed one hundred and twenty acres, for the consideration of four dollars by the acre to be paid by such grantees respectively.

*And be it further enacted* That the said surveyor general shall make the conveyances aforesaid upon the terms and conditions as near as may be contained in the eighth section of an act entitled "An act for the better support of the Oneida Onondaga and Cayuga Indians and for other purposes therein mentioned" passed the ninth day of April one thousand seven hundred and ninety five *provided* that the period of making such payments shall be four instead of ten years *and provided also* that such payments shall be in four annual installments to commence from the date of the said conveyances.

Conditions  
of convey-  
ances.

*And whereas* it is expedient that the forfeited lands in the aforesaid Royal Grant which have not been sold, should be speedily disposed of

Sale of cer-  
tain lands.

*Be it further enacted* That it shall and may be lawful for the surveyor general and he is hereby directed as soon as may be to cause the lands in the fourth allotment of the Royal Grant which were vested in the people of this State except such part thereof as shall be conveyed to occupants in pursuance of the two last preceding clauses of this act and have not been sold by the commissioners of forfeitures to be surveyed into lots to contain not less than one hundred and sixty nor more than three hundred acres and shall sell the same at public vendue in the same manner and on the same terms and conditions as is prescribed in the act entitled "An act for the further sale of the unappropriated lands of this State" passed the 27th day of March 1794.

*And be it further enacted* That it shall be lawful for the comptroller, the attorney general and surveyor general of this State or any two of them by and with the consent and approbation of the person administering the government from time to time to extinguish all legal claims against lands that have been sold under the authority of the State and that it shall be lawful for the comptroller to draw his warrants on the treasury for the sum or sums that shall or may be agreed to be paid for the extinguishment of such claims to be paid out of any unappropriated monies in the treasury.

Extinguishment  
of claims  
against  
lands.

## CHAP. 71.

AN ACT to incorporate the stock-holders of the New-York Insurance Company.

PASSED the 2d of April, 1798.

WHEREAS Archibald Gracie and others associated as a company under the style of the New York Insurance Company, by their petition to the legislature have prayed for the privilege of being incorporated the better to enable them to carry on and to extend the business of maritime insurance, and of insurance upon houses, goods and lives, which are the useful purposes of their institution.—Therefore

Preamble.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That all such persons as now are or hereafter shall be stock-holders of the said company shall be and hereby are ordained, constituted and declared to be from time to time and until the first Monday in January one thousand eight hundred and nine a body corporate and politic in fact and in name by the name of the New York Insurance Company and that by that name they and their successors until the first Monday in January one thousand eight hundred

New York  
Insurance  
Company  
incorporated.

Stated  
meetings;  
executive  
committee.

*And be it further enacted,* That there shall be stated meetings of the directors at least once in every month, and as often within each month as the president and board of directors shall deem proper, and the president and a committee of four of the directors to be by him appointed in rotation shall assemble daily if need be for the dispatch of business, and the said board of directors and the committee aforesaid, at and during the pleasure of the said board shall have power and authority on behalf of the corporation to make insurances upon vessels, freight and goods, and houses and stores, and goods in houses and stores, and furniture in houses, and upon lives, and for the ransom of persons in captivity, and for lending money upon bottomry and respondentia, and to fix premiums and times of payment, and all policies shall be subscribed by the president and countersigned by the secretary, and shall be binding and obligatory upon the said corporation in like manner and with the like force and effect, as if under the seal of the said corporation and all losses duly arising under any policy so subscribed may be adjusted and settled by the president and board of directors, and the same shall be binding on the corporation.

Dividends.

*And be it further enacted,* That it shall be the duty of the directors on the first Mondays of January and July in every year to make a dividend of so much of the profits of the said corporation as to them or a majority of them shall appear advisable, but the monies received and notes taken for premiums on risques which shall be undetermined and outstanding at the time of making such dividend shall not be considered as a part of the profits of the corporation, and in case of any loss or losses whereby the capital stock of the corporation shall be lessened, no subsequent dividend shall be made until a sum equal to such diminution, and arising from the profits of the corporation shall have been added to the capital, and that once in every three years, and oftener if thereunto required by a majority of the votes of the stockholders to be given agreeably to the ratios herein before established, the directors shall lay before the stockholders at a general meeting, for their information an exact and particular statement of the surplus of profits if any after deducting losses and dividends.

Right to  
hold real  
estate;  
business  
prohibited.

*And be it further enacted,* That the lands tenements and hereditaments which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation in relation to the convenient transacting of its business, or such as shall have been or may be bona fide mortgaged to the said company by way of security, or which may be conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which it shall have obtained for such debts. And with regard to all such lands, tenements and hereditaments so to be held by the said corporation as aforesaid, (except such as may be for its immediate accommodation as aforesaid, or such as it may hold by way of mortgage and whereof the actual possession shall be in the mortgagors their heirs or assigns,) the said corporation shall be bound to sell and dispose of the same respectively within five years after it shall acquire the same, and shall not be capable of holding the same after the expiration of the said five years, but the same shall immediately \*the expiration of the said five years be forfeited to, and vested in the people of the State. *And further* the said corporation shall not directly or indirectly deal or trade in buying or selling any goods, wares, merchandize or commodities whatsoever, or in buying or selling

\* So in original.

any stock created by any act of the Congress of the United States, or of any particular State unless in buying the same in order to invest its capital stock or any part or parts thereof, therein by way of securing the said capital stock, or in selling the same for the payment of its debts or when truly pledged to it by way of security for debts due to the said corporation. *And further* it shall not be lawful for the said corporation to issue or emit any notes, or bills, or make any contracts for the payment of only, except the same be under the seal of the said corporation, and all such notes, bills and contracts shall be construed and taken to be specialties, and shall not possess any other or greater power of being assigned or transferred than specialties at common law.

*And be it further enacted*, That no person being either singly by himself or as partner with one or more persons a member of any insurance company in the city of New York shall be eligible for a director of this insurance company. Eligibility of directors.

*And be it further enacted*, That this act shall be and is hereby declared to be a public act, and that the same be for the time herein before limited construed in all courts and places benignly and favorably for every beneficial purpose therein intended— How act construed.

*And be it further enacted*, That in respect to all debts which shall be contracted by the said corporation before the said first Monday in January one thousand eight hundred and nine, the persons composing the said corporation at the time of its dissolution shall be responsible in their individual and private capacity to the extent of their respective shares, and no farther, in any suit or action to be brought or prosecuted after the dissolution of the said corporation. Liability of stock-holders for debts on dissolution.

## CHAP. 72.

AN ACT to enable aliens to purchase and hold real estates within this State under certain restrictions therein mentioned.

PASSED the 2nd of April, 1798.

*Be it enacted by the People of the State of New York represented in Senate and Assembly*, That all and every conveyance or conveyances, hereafter to be made or executed to any alien or aliens, not being the subject or subjects of some sovereign state or power, which is or shall be at the time of such conveyance at war with the United States of America, shall be deemed valid, to vest the estate thereby granted in such alien or aliens, and it shall and may be lawful to and for such alien or aliens to have and to hold the same to his her or their heirs and assigns for ever, any plea of alienism to the contrary notwithstanding. *Provided always*, that it shall not be lawful for any such alien or the heirs or assigns of any such alien being aliens, to reserve any rent or service whatsoever upon any grant lease demise or conveyance whatsoever to be made of any such lands or tenements; and all rents payments services or reservations whatsoever which shall be reserved or made payable in or by or in consequence of any such grant lease demise or conveyance whatsoever of any such lands or tenements shall be utterly void and of no effect. Conveyances by aliens.

*And be it further enacted* That all and every deed or deeds conveyance or conveyances to be executed in pursuance of this act, shall be Record of conveyances.

recorded within twelve months after the day of the date of the same in the secretary's office of this State, and the grantees named in any such deed or conveyance shall be considered in all respects as aliens, and the lands and tenements thereby conveyed shall enure to the use of the people of the State of New York.\*

Act to be  
in force  
three  
years.

*And be it further enacted*, That this act shall be and remain in force for the term of three years from and after the passing thereof, and no longer.

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## CHAP. 73.

AN ACT relative to the lands on the Niagara river belonging to the people of this State.

PASSED the 2nd of April, 1798.

Surveyor  
of State  
boundaries  
adjoining  
Niagara  
river.

*Be it enacted by the People of the State of New York represented in Senate and Assembly*, That the surveyor general of this State be and he is hereby authorized and directed, to cause the boundaries of the lands belonging to the people of this State adjoining the river Niagara to be established by and with the approbation and consent, and at the expence of the proprietors of the lands adjoining the same.

Town to be  
laid out.

*And be it further enacted* That the surveyor general shall cause such part of the said tract as may be the most convenient and suitable for the same, and to which the Indian title has been relinquished, to be laid out into a town in such manner and form as to him shall seem proper; and that he cause out lots adjoining the said town, to be laid out in lots, not exceeding five acres, and that he report to the legislature at their next session the plan adopted by him in laying out the said town and the said out lots in pursuance of this act, and exhibit a map thereof.

Appropriation.

*And be it further enacted* That the treasurer of this State shall pay to the said surveyor general upon the warrant of the comptroller the sum of three hundred dollars for the purpose of enabling him to comply with the directions of this act.

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## CHAP. 74.

AN ACT extending the period for receiving claims to the money paid into the treasury of this State by the State of Vermont.

PASSED the 2nd of April, 1798.

Time for  
exhibiting  
claims ex-  
tended.

*Be it enacted by the People of the State of New York represented in Senate and Assembly*, That the period for the exhibition of claims, limited in and by the act entitled "An act concerning the money paid into the treasury of this State by the State of Vermont," shall be and is hereby extended to the first day of August next.

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\* This section amended by chapter 95, Twenty-first Session, passed April 5th, 1798.

**CHAP. 75.**

**AN ACT** to regulate the returning and impanneling of jurors for the trial of issues.

PASSED the 3rd of April, 1798.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the supervisor, town clerk and assessors of each of the towns in this State, or a majority of them shall on or before the first Tuesday in July next cause a list to be made in writing of the names of all the persons residing within their respective towns, qualified and in their opinion competent to serve on juries for the trial of issues in the supreme court with their additions, and the said list when completed shall be signed by them, or a majority of them and it shall be the duty of the said clerk, supervisor and assessors, on or before the first day of August next to transmit a copy of such list, subscribed by them, or a majority of them to the clerk of the county in which they reside; and it shall be the duty of every county clerk to cause the names of each person contained in such list, with his place of abode and addition, to be written on a slip of paper, and the same slips of paper to be put into a box to be by him provided for that purpose.—

Jury lists to be prepared.

*And be it further enacted,* That from and after the first Tuesday in July next, it shall not be lawful for more than thirty six nor less than twenty four persons to be summoned for the trial of issues, in any of the circuit courts, courts of oyer and terminer and goal delivery and courts of common pleas and general sessions of the peace, to be held in and for any of the counties in this State, unless otherwise directed by any one of the judges of the said courts.—

How many trial jurors to be summoned.

*And be it further enacted* That from and after the first day of August next whenever any writ or process shall be issued for summoning a jury for any trial into any of the said courts mentioned in the preceding section of this act, to be held in any county of this State, the sheriff or other officer to whom such writ or process shall be directed shall immediately on receiving the same repair to the clerk of the same county who shall thereupon in the presence of such sheriff or officer or in the presence of one of the judges of the court of common pleas of such county, whose duty it shall be on being served with a request in writing to attend the clerks office, proceed to draw out of the box containing the slips of paper, as many of the said slips of paper as there are jurors to be summoned upon such writ or process; and the names contained on such slips of paper shall be the persons who are to be summoned to serve as jurors at the then next court, unless any of them shall be dead, or shall have changed their place of residence to any other town or be absent from the county, or not qualified to the knowledge of such sheriff, officer, clerk or judge to serve on juries and if the persons named on any of the said slips of paper so drawn shall be dead, removed from the town, or not qualified by law to serve on juries to the knowledge of such sheriff, officer clerk or judge then the said clerk shall immediately destroy such slips of paper and proceed to draw out of the said box until the panel shall be completed and the said slips of paper containing the names of the jurors named in the said panel shall by the said clerk be put together and carefully be kept locked up in some safe place, until after the end of the term

Drawing and summoning of jurors, manner of.

or session of the court at which such jurors are to appear, and the clerk of the said court shall immediately make out and certify under his hand a pannel of the names of such jurors so drawn out with their respective places of abode and additions and deliver the same to such sheriff or officer, whose duty it shall be to summon the several persons whose names are contained in such pannel at least eight days previous to the sitting of any such court and to make return in what manner he has served such writ or process; and the clerk of such court shall as soon as may be after the end of the term or session of the court at which such jurors were to appear put such of the slips of paper containing the names of the jurors who appeared at such court and were not excused from serving or discharged into another box to be by him provided and kept for that purpose; and such clerk shall destroy such slips of paper containing the names of any jurors as appeared at such court and were adjudged not to be qualified or were privileged or exempted from serving on juries; and such clerks shall return to the box from which they were drawn such slips of paper containing the names of jurors who made default appearing or were excused from serving; and the said clerk shall proceed in like manner, to draw out of the said box until all the said slips of paper shall be drawn out of such first box; and after the slips of paper are all drawn out of the first box the said clerk shall proceed in like manner to draw the names of the jurors out of the other box, returning the slips of paper containing the names of the jurors so drawn, into the first box, and so on as occasion shall require.—

Names to be added to panel by order of court.

*And be it further enacted* That if a sufficient number of jurors do not appear at any of the said circuit courts, courts of oyer and terminer or courts of common pleas or general sessions of the peace; or after appearance of a full jury, by challenge, the jury is like to remain untaken for default of jurors, the justices or justice of the supreme court before whom any trial shall be brought at any of the said circuit courts by virtue of any writ with a nisi prius or the judges and assistant justices of the courts of common pleas, or justices of the courts of sessions shall have authority by virtue of this act upon request made for the people of the State of New York by any authorized thereunto or assigned by the justices of the court before whom the inquest is to be taken, or upon request made by any party who prosecutes as well for the people of this State as for himself in any case, or upon request made by the parties, plaintiff, demandant or avowant, or tenant or defendant, or his or their attorney, to command the sheriff to name and appoint as often as need shall require, so many of such other able persons of the said county, qualified to serve on such juries, according to the intent of this act, and to add and annex their names to the formal pannel as shall make up a full jury of twelve men for the trial of every such issue and the said court shall proceed to the trial of every such issue with those jurors that were before impanelled and returned, and with those newly added and annexed to the said former pannel by virtue of this act, in such wise as they might or ought to have done if all the said jurors had been returned upon the first pannel.—

Annual lists to be made of persons liable to jury duty.

*And be it further enacted* That the cities of Albany Hudson and Schenectady shall be considered as towns for all the purposes contemplated in this act and the supervisors and assessors of the said cities, and the supervisor, town clerk, and assessors of the several towns, shall from time to time, as occasion requires, and at least once in every year cause the names of each person residing in their respective cities and towns, and qualified and competent to serve on juries in the serv-

eral courts before mentioned, and not contained in either of the said boxes, with their places of abode and addition to be certified in writing and transmitted to the clerk of the county who shall thereupon cause such names with the places of abode and additions to be written on separate slips of paper and put into the box, out of which the names of the jurors are then to be drawn as aforesaid and it is hereby made the duty of each of the town clerks in the several towns in the respective counties, to transmit a copy of the names of all such persons (who are contained on the said slips of paper) as are dead, removed out of the county or not qualified to serve as jurors to the clerk of the county at least once in every year who shall thereupon destroy the several slips of paper containing such names. —

*And be it further enacted* That each juror shall be entitled to receive in every case he shall be sworn to try, the sum of twenty five cents in lieu of the compensation now granted by law and to be paid in like manner. — Fees of jurors.

*And be it further enacted* That it shall be the duty of every sheriff or other officer in the several counties in this State to furnish any person or persons applying, with a copy of the pannel of jurors to serve on the trial of issues in any of the said courts; and for every copy so furnished he shall be entitled to demand and receive twelve cents, and no more, from the person or persons so applying for the same. *Provided always*, that nothing contained in the preceding part of this act, shall extend to any cause which is or shall be ordered to be tried by a struck jury — Copies of panel to be furnished.

*And be it further enacted* That it shall not be lawful after the first day July next, for any of the courts aforesaid, to direct any of the sheriffs of the respective counties in this State to return a book of freeholders, for the purpose of striking a jury; but it is hereby made the duty of the clerks of the several counties, to do and perform all the duties heretofore required to be done of the sheriffs in returning the said books of freeholders for the purpose aforesaid; and they shall be entitled to demand and receive the like fees for the said service as the sheriffs were by law entitled to. — Struck juries, books of freeholders for.

*And be it further enacted* That the clerks of the respective counties, shall be entitled to receive for their services in drawing every such jury and making the pannel seventy five cents to be paid to him by the sheriff or other officer at whose request it shall be done and the sheriff or other officer shall be allowed what he pays to the said clerk in his account against the people of this State and that the sheriff or other officer to whom any writ or process shall be directed, for the trial of issues in the said respective courts (except in cases of special juries) shall annex a pannel of the same jurors with their place of abode and additions, to all the said writs or process returnable at the same court. — Fees of clerk and sheriff.

*And be it further enacted* That after the first day of August next no struck jury shall be allowed unless on the order the court when they may deem it necessary by reason of the importance or intricacy of the case. — When struck juries to be allowed.



## CHAP. 76.

AN ACT to amend the act entitled An act for the relief of John B. Coles and to provide for laying out new roads.

PASSED the 8rd of April, 1798.

Provisions  
of act re-  
cited modi-  
fied and  
altered.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the term of thirty years allowed in and by the act entitled "An act for the relief of John B. Coles and to provide for laying out new roads" shall be and hereby is extended to the term of sixty years from the thirty first day of March last, and that so much of the said act as declares, that the said John B. Coles, shall at his own expence, keep the road from the bridge across Haerlem river to East Chester in repair, during the time he shall exact any additional toll for passing the said bridge, shall be and the same is hereby repealed. Provided nevertheless

Annual  
sum to be  
expended  
on roads;  
additional  
toll.

*And be it further enacted* That the said John B. Coles shall lay out and expend, in repairing the said road, one hundred dollars by the first day of July in each year during the term he shall exact or take an additional toll of more than twenty five per cent for passing over his bridge in such manner that each of the towns of Westchester and Eastchester shall be benefited thereby in proportion to the work necessary to be done on the said road in each of the said towns, and shall render an account of the expenditure of the said one hundred dollars to the commissioners of highways of the towns of Westchester and Eastchester on or before the first day of September in every year.

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## CHAP. 77.

AN ACT for the relief of Joseph Mabee and others entitled to the right of pre-emption of lands in the Oneida reservation.

PASSED the 8rd of April, 1798.

Convey-  
ance to  
Joseph  
Mabee.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That it shall and may be lawful for the surveyor general of this State and he is hereby required, to execute to Joseph Mabee on behalf of the people of this State, a conveyance of the lot of land situated in a tract purchased of the Oneida Indians to which Jacobus Mabee was returned as entitled to the right of pre-emption by the commissioners appointed by the act entitled "An act for the better support of the Oneida Onondaga and Cayuga Indians and for other purposes therein mentioned," which said conveyance shall be executed upon the terms mentioned and in conformity to the provisions contained in the said recited act, and the act supplementary thereto, passed the 1st day of April 1796.

Id., to  
Daniel  
Allen.

*And be it further enacted,* That it shall and may be lawful to and for the said surveyor general, and he is hereby required to execute in like manner as aforesaid to Daniel Allen a conveyance for the lot of land to which David Allen was returned as entitled to the right of pre-emption by the said commissioners, under the said recited act;

which said conveyance shall be made upon the terms and in conformity to the provisions in the said recited act contained.

*And be it further enacted* That the said surveyor general be and he is hereby in like manner required to execute to Timothy Greenly, a conveyance of an undivided moiety of the lot of land to which the said Timothy Greenly and Aaron Wallis were returned as jointly entitled to the right of pre-emption by the commissioners aforesaid; which said conveyance shall be made in conformity to the provisions contained in the recited acts aforesaid.

Id., to  
Timothy  
Greenly.

*And whereas* sundry deeds of land executed in pursuance of the said recited acts have not been accepted by the persons returned by the said commissioners as entitled to the same, but now remain in the office of the said surveyor general; *and whereas* it is represented to this legislature, that the leases of the said lots of land, of which deeds were executed as aforesaid, have been disposed of and assigned by the original lessees who were returned by the said commissioners as entitled to the right of pre-emption in the same lands. Therefore

*Be it further enacted*, That it shall and may be lawful, to and for the said surveyor general and he is hereby required to execute to such person or persons respectively, who shall produce to him an assignment, to be duly proven to his satisfaction, from any of the said persons so returned, entitled as aforesaid of the lot or lots of land to which such person or persons may have been so entitled; which said deeds shall be made upon the terms, and in conformity to the provisions contained in the said recited acts. *Provided always* that the original leases of the lots for which the said last mentioned deeds shall be given, shall be previously filed in the office of the said surveyor general.

Deeds to  
assignees  
of lessees.

*And be it further enacted*, That it shall and may be lawful to and for the surveyor general to execute to the persons respectively returned entitled to the right of pre-emption as aforesaid and upon like terms as aforesaid, deeds of such lot or lots of the said tract to which such person or persons may have been returned entitled to and of which an assignment from such person or persons shall not be proven to the surveyor general as aforesaid on or before the first day of November next ensuing—

Deeds to  
persons en-  
titled to  
pre-emp-  
tion.

*And whereas* the provisions contained in the first section of the said last recited act, have not by the said surveyor general been construed to extend to such of the lessees of the said Peter Smith as contracted for and obtained their leases subsequent to the first day of January one thousand seven hundred and ninety-five, whereby the several persons herein after named are subjected to the payment of rent to the said Peter Smith, and interest on the mortgages to the people of the State on the same lands at one and the same time. In order to make provision in the premises.

*Be it further enacted*, That if the said Peter Smith shall on or before the fifteenth day of May next, execute under his hand and seal, and deliver to the comptroller, a release of all the rents to become due to him from and after the fifteenth day of January last, from Edward Wheelock, Aaron Egleston, Dennis Parker, Daniel Anderson, John Linclain, Garret Boone, David Brewer, Justus Markum, George Anderson, Andrew Lucas, Richard Willis, Amos Freeman, James S. Kip, Jeremiah Powell, John Manchester, Ithuriel Flower, Joseph Black, Thomas Bump, David Muller, Jacob Dennis, Peter Penter, John Ellis, Daniel Clary, Elijah Page, Reuben Eady, Jasper Ailesworth, Frederick Lewis, Abraham Morton, John Whipple, Richard

Lands  
leased of  
Peter  
Smith, re-  
lease of.

Williams, Timothy Greenly, Aaron Wallis, William Bennett, David Fuller, Deuty Aldridge, Josiah Baker, Joseph Jennings, Samuel S. Foreman, Zachariah Cutting, William Pease, James Moore, Elisha Farnham, Richard Weirs, Asa Seymour, Francis Thrasher, and Elias Roberts, for the lands to which they were returned, entitled to the right of preemption as aforesaid, that then the comptroller shall and he is hereby required to credit the said Peter Smith with the present value of all the rent to become due from the said lesses as aforesaid, estimating such present value on the unexpired term of sixteen years and upon the principles contained in the said first section of the said act; which said present value shall be so credited and allowed the said Peter Smith upon his mortgage given in pursuance of the said last recited act. But in case the said Peter Smith shall neglect or refuse to execute such release and to accept such compensation as aforesaid, that then the comptroller shall yearly and every year credit the said respective persons with the amount of the rents are respectively bound to pay to the said Peter Smith.

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## CHAP. 78.

AN ACT providing for the registry of deeds in certain counties therein mentioned.

PASSED the 3rd of April, 1798.

Recording  
of convey-  
ances in  
certain  
counties.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That all deeds and conveyances to be made and executed after the first day of February next, of or concerning, or whereby any lands or tenements, situate in the several counties of Ontario, Steuben, Tioga, Herkimer Oneida Chenango and Otsego, may be any way affected in law or equity, shall be recorded in the clerks office in the counties in which such lands shall be situated, in books to be provided by the clerks of the same counties respectively; and that every deed and conveyance made and executed after the said first day of February next, whereby any of the said lands may be any way affected in law or equity shall be adjudged fraudulent and void against any subsequent bona fide purchaser or mortgagee for valuable consideration, unless the same be recorded as by this act is directed before the recording the deed or conveyance under which such subsequent purchaser or mortgagee shall claim, *provided always* that no such deed or conveyance shall be recorded, unless the same be first acknowledged by the party executing the same, or proven by a subscribing witness thereto, before, and such acknowledgment or proof certified by, one of the judges of the supreme court of the United States or one of the judges of the supreme court of judicature of this State, or a master in chancery, or one of the judges of the court of common pleas of the county where the lands intended to be conveyed, shall be situated or any of the first judges of the courts of common pleas in any county in this State conformity to the provisions contained in an act entitled "An act relative to the acknowledgment of deeds" passed the 11th day of February 1797.

Order of  
record.

*And be it further enacted,* That every deed and conveyance which shall be delivered at the offices of the clerks of the counties herein before mentioned, to be recorded, shall be recorded in the order, and

as of the time when the same shall be delivered for that purpose; and every such deed and conveyance shall be considered as recorded from the time it was so delivered, and an entry shall be made on the margin of the record thereof of the day of the month and year, and the time of the day such deed or conveyance is so recorded; and a certificate shall be endorsed on every such deed and conveyance, mentioning the certain day, and the time when, and the book and page in which, the same is so recorded; and the clerk shall sign the said certificate when so endorsed; which certificate shall be taken and allowed as evidence of such recording, in all courts of justice whatsoever.

*And be it further enacted,* That the record of every such deed and conveyance when so recorded as aforesaid, shall be taken and allowed as evidence of such deed or conveyance, in all courts whatsoever. Evidence.

*And be it further enacted,* That if any person shall forge or counterfeit any such certificate or indorsement herein before directed to be made given or signed by such clerk, or shall knowingly utter any such forged or counterfeited certificate or indorsement as true, and be thereof convicted according to the due course of law such person shall be deemed guilty of felony, and thereupon be sentenced to the punishment of imprisonment for life in the State prison there to be kept at hard labour, or in solitude, or both, as the court before whom such convictions shall be had may in their discretion deem proper. Forgery of clerk's indorsement.

*And be it further enacted,* That if any of the said clerks, or any person entrusted by him shall be guilty of any neglect or misdemeanor, or fraudulent practice in the execution of this act, such clerk shall be liable to pay treble damages with the costs of suit to any person who will be injured thereby, to be recovered by action of debt, bill, plaint or information in any court of record, having cognizance thereof. Misdemeanor by clerk.

## CHAP. 79.

AN ACT to vest certain powers in the freeholders and inhabitants of the village commonly known by the name of Old Fort Schuyler.

PASSED the 3rd of April, 1798.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the district of country contained within the following bounds to wit. Beginning at a point or place on the south side of the Mohawk river where the division line between lot number ninety seven and ninety eight, in Cosbys manor strikes the said river thence running southerly in the said division line to a point in the same forty chains southerly of the great road, leading to Fort Stanwix, thence east thirty seven degrees south to the easterly line of the county of Oneida, thence northerly in the said county line to the Mohawk river thence westerly up the waters thereof, to the place of beginning, shall hereafter be known and distinguished by the name of the village of Utica. Utica, village of, incorporated.

*And be it further enacted* That all the freeholders and inhabitants qualified to vote at town meetings who may reside within the aforesaid limits, may on the third Tuesday of May next, meet at some proper place to be appointed and notified to the inhabitants by any justice of the peace therein at least one week previous to the said third Tuesday and Election of trustees.

then and there proceed to choose five freeholders resident within said village to be trustees thereof, who when chosen shall possess the several powers and rights hereafter specified, and such justice shall preside at such meeting and declare the several persons having a majority of votes as duly chosen trustees, and on every third Tuesday in May after the first election of trustees, there shall in like manner be a new election of trustees of said village, and the trustees for the time being shall perform the several duties herein required from such justice, in respect of notifying the meeting of the freeholders and inhabitants of the said village and presiding at said election.

Trustees  
may hold  
lands.

*And be it further enacted* That the said trustees hereby appointed and their successors are hereby enabled to take a grant or grants, feoffment or feoffments of any lands and tenements, lying and being within the limits of the village of Utica aforesaid, as herein described, and to hold the same to them and their successors forever, in trust, to and for the common use and benefit of the freeholders and inhabitants.

Village or-  
dinance.

*And be it further enacted* That the said freeholders and inhabitants, at their annual meetings to be held as aforesaid and at such other times in the year as the said trustees or a majority of them may think necessary to advertise for the purpose, shall be and they are hereby authorized and empowered from time to time to make, ordain, constitute and establish such prudential rules orders and regulations, as a majority of such freeholders and inhabitants so assembled and having a right vote shall judge necessary and convenient, for the better improving of their common lands, and for ascertaining and directing the use and management thereof, and also, to ordain and establish such prudential rules and orders relative to the cleaning and keeping in order and repair, the common streets and highways in Utica, aforesaid and removing nuisances therefrom, and also, to make and ordain rules and regulations proper to compel the housekeepers in Utica aforesaid, to furnish themselves with a sufficient number of fire buckets, and with necessary tools and implements for extinguishing of fires, and to impose such penalties on the offenders against such rules \* rules orders and regulations or any, or either of them as the majority of such freeholders and inhabitants so assembled shall from time to time deem proper, not exceeding five dollars for any one offence, to be recovered by the said trustees for the time being in their own names with costs of suit for the use of the said freeholders and inhabitants by action of debt, before any justice of the peace, residing in the county of Oneida.

Clerk of  
village

*And be it further enacted*, That the said trustees hereby to be appointed, and their successors, shall and may from time to time constitute and appoint one fit person to be a common clerk for the said freeholders and inhabitants whose duty it shall be to record all rules, orders and regulations made by the freeholders and inhabitants at their meetings as aforesaid, in a proper book to be by him provided for such purpose, and also to do and perform all such matters and things as the said trustees, or a majority of them shall lawfully from time to time by writing under their hands direct and appoint.

Fireman.

*And be it further enacted* That it shall and may be lawful to and for the said trustees, or the major part of them and they are hereby required with all convenient speed to elect, nominate and appoint a sufficient number of men willing to accept, not exceeding fifteen in number out of the inhabitants residing within the limits of Utica as aforesaid, to have the care, management working and use of the fire

\* So in original.

engine or engines belonging or which may belong to the said freeholders and inhabitants and also the tools and implements for extinguishing fires and the said trustees or the major part of them are hereby authorized and empowered to remove or displace all or any of the firemen so as aforesaid to be elected, nominated and appointed, when and as often as they shall think fit, and others in their stead to elect nominate and appoint, and also to make, establish, and ordain such rules orders and regulations for the government, conduct duty and behaviour of such firemen as to them shall appear necessary and proper.

*And be it further enacted* That it shall and may be lawful for the said owners of houses or lands at their annual meeting for electing trustees by a majority of voices to determine what sum in the aggregate shall be raised, levied and collected from the said owners of houses or lands and freeholders and inhabitants resident within the said limits for paying or other improvements on the highways therein and to purchase a fire engine and thereupon the said trustees shall apportion the sum so be raised amongst the owners of houses or lands and freeholders and inhabitants in proportion to the advantages which they shall deem to result to each from any such repairs or improvements and shall by their warrant appoint and authorize some proper person to levy and collect such sum so apportioned ; who shall proceed in like manner in making such collection as collectors of the contingent expences of the county are by law directed to proceed in, and shall be in like manner accountable to the said trustees as the collectors aforesaid are by law made accountable to the treasurers of the respective counties ; *provided always* that such sum shall not in any one year exceed the sum of three hundred dollars : *And provided further* that if any person shall conceive him or herself aggrieved by any such apportionment as aforesaid, it shall be lawful for such person to appeal from the determination of such trustees to any three justices of the peace residing in the town of Whitestown, giving notice to the said trustees, or a majority of them, of such appeal and of the time and place for determining thereon by such justices who shall hear the same and do therein what to justice shall appertain. Tax levies.

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## CHAP. 80.

AN ACT concerning certain streets wharfs and piers, and the alms house and bridewell in the city of New York.

PASSED the 3rd of April, 1798.

WHEREAS it would conduce to the improvement and health of the said city, as well as to the safety of such ships or vessels as may be employed in the trade and commerce thereof, that regular streets or wharfs of the width of seventy feet should be laid out and completed in front of those parts of the said city which adjoin to the East river or Sound, and to the North or Hudsons river and that piers should be extended from the said streets into the said rivers respectively at convenient distances from each other, with suitable bridges for the accomodation of sea vessels, and upon such construction as to admit the current of the said rivers, at both ebb and flood, to wash away all dirt and impurities. *And whereas* the said mayor aldermen and com- Preamble.

monalty, by petition to the legislature under their common seal have represented, that they are disposed to make said improvements, but that from the curving and other irregularities of the shores of the said rivers in their original state from the grants made by their predecessors, being deemed to extend to unequal distances into the said rivers, and from other causes, difficulties have arisen as to the execution of a proper plan, and doubts have been entertained, whether they could expel the proprietors of lots fronting on the said rivers to make those streets within a reasonable period, or to sink and build those piers; and whether the said petitioners could without a breach of the conditions and covenants contained in their grants to individuals upon the refusal or neglect of such proprietors, sink, build and make those piers, streets and wharfs at their own expence, and receive wharfrage as a compensation for the same, which doubts and difficulties can only be removed by the aid of the legislature. And whereas defects have been discovered in the provisions for assessing and raising money in the said city under the act entitled "An act for regulating the buildings, streets, wharfs, and slips in the city of New York. Therefore

Plans of  
streets and  
wharves.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That it shall and may be lawful for the mayor aldermen and commonalty of the city of New York, to lay out according to such plan as they shall or may agree upon or determine, such streets or wharfs as hereinbefore are mentioned in front of those parts of the said city which adjoin to the said rivers, and of such extent along those rivers respectively as they may think proper, and that as the buildings of the said city, shall further extend along the said rivers, it shall and may be lawful for the said mayor aldermen and commonalty from time to time to lengthen and extend the said streets or wharfs.

Streets and  
wharves to  
be made at  
expence of  
proprie-  
tors.

*And be it further enacted,* That the said streets or wharfs shall be made and completed according to the said plan, by and at the expence of the proprietors of land adjoining, or nearest and opposite to the said streets or wharfs in proportion to the breadth of their several lots by certain days to be for that purpose appointed by the said mayor aldermen and commonalty, and that the respective proprietors of such of the said lots as may not be adjoining to the said streets or wharfs, shall also fill up and level at their own expence according to such plan, and by the said days respectively, the spaces lying between their said several lots and the said streets and wharf, and shall upon so filling up and levelling the same, be respectively entitled to and become the owners of the said intermediate spaces of ground in fee simple.

Refusal by  
proprietor;  
how en-  
forced.

*And be it further enacted* That if any of the said proprietors shall neglect or refuse to fill up and level such intermediate spaces of ground by the said days to be as aforesaid appointed, it shall and may be lawful for the said mayor, aldermen and commonalty, to cause the same to be done for and on behalf of the said proprietors, and to charge them with the expence. And if the said proprietors respectively shall not repay the said expence, with lawful interest from the times of the expenditure within one year and six months after demand for that purpose made by the said mayor aldermen and commonalty, or any person on their behalf, it shall and may be lawful for the said mayor aldermen and commonalty to levy to same together with the interest thereof, and all reasonable costs and expences attending such proceeding by distress and sale of the goods and chattels of such proprietors or the occupants of the said lots respectively or to recover the same from the said proprietors respectively by action of debt in the

supreme court of this State, wherein it shall be sufficient to alledge generally, that the defendants respectively, are indebted to the said mayor aldermen and commonalty in a certain sum of money expended on their account by virtue of this act, and in such action any less sum than the one declared for may be recovered, and full costs shall be taxed for the plaintiffs if judgment shall be given in their favour.

*And be it further enacted*, That the said sum so to be expended as aforesaid on behalf of the said proprietors respectively, and all and every sum and sums of money, which may have been, or shall at any time or times hereafter, be assessed among the owners or occupants of any houses and lots by virtue of the said act entitled "An act for regulating the building streets, wharfs and slips in the city of New York" shall be a real encumbrance and charge upon the houses and lots in respect to which such assessments shall have been made, and shall bear lawful interest until paid, and shall be entitled to a preference above all other incumbrances upon the same; and that the same sums and interest money may be sued for and recovered with costs in like manner as if the said houses and lots were mortgaged to the said mayor aldermen and commonalty, for the payment thereof. *Provided always*, that nothing herein contained shall extend to charge any such houses or lots which may have been bona fide sold and disposed of after the making of such assessment therein and before the passing of this act.

Expense made a first lien on property.

*And be it further enacted*, That it shall and may be lawful for the said mayor aldermen and commonalty to direct piers to be sunk and completed at such distances and in such manner as they in their discretion shall think proper, in front of the said streets or wharfs to be so made as aforesaid, and to be connected with the same by bridges at the expence of the proprietors of the lots lying opposite to the places where such piers shall be directed to be sunk, and by such days and times as the said mayor aldermen and commonalty may for that purpose limit and appoint. And if the said proprietors shall neglect or refuse to sink or make the said piers and bridges, according to the directions of the said mayor aldermen and commonalty, it shall and may be lawful for the said mayor aldermen and commonalty to sink and make the same piers and bridges at their own expence; and to receive to their own use, wharfage for all vessels that may at any time or times lie at or be fastened to the said piers or bridges which they shall so make as aforesaid.

Sinking of piers.

*And be it further enacted* That every clause covenant and condition in the several grants of the mayor aldermen and commonalty of the said city to the said proprietors respectively or those under whom they claim, to be kept observed or performed by the grantees respectively and their respective heirs executors, administrators and assigns, shall notwithstanding this act, retain their full force and validity, and shall be in no manner affected by the same or by any thing to be done or performed in consequence thereof, and the said mayor aldermen and commonalty shall have, possess and be entitled unto the like payments rights and remedies by virtue of the said grants as they might or could have had, or would have been entitled to, if this act had never been passed, and shall not by the performance of any thing herein contained be deemed to have broken or infringed any of the covenants or conditions on their part contained in the said grants.

Covenants not affected by this act.

*And be it further enacted* That no building of any kind or description whatsoever (other than the said piers and bridges) shall at any time hereafter be erected upon the said streets or wharfs, or between them

Buildings, relating to



respectively, and the rivers to which they respectively shall front and adjoin.

Commissioners of alms houses and bridewell.

*And be it further enacted* That it shall and may be lawful for the mayor aldermen and commonalty of the city of New York in common council convened, to nominate and appoint, under the common seal of the said city, not more than five of the freeholders and inhabitants of the said city to be overseers of the poor thereof, by the name and stile of, "The Commissioners of the Alms House and Bridewell of the City of New York" which said persons being so appointed, or the major part of them, shall have the same power and authority for putting or binding out apprentices and servants in the said city, and be subject to the same duties and penalties which the overseers of the poor in the respective towns in this State have, or are subject to a law.

Removal and vacancies; ordinances.

*And be it further enacted* That it shall and may be lawful for the common council of the said city, to remove from office any person or persons so by them to be appointed as aforesaid, at their pleasure, and to fill all the vacancies which shall be occasioned by such removal, death or resignation, and also from time to time to appoint such other officers as they may deem proper for the administration of the said alms house and bridewell, and to make and ordain such ordinances and regulations as they shall think necessary for the better government of the said alms house and bridewell, and the keepers officers and servants thereof. *Provided* such ordinances and regulations be not contrary to the laws and constitution of this State, or of the United States.

Part of act repealed.

*And be it further enacted* That the thirty fourth and thirty sixth sections of the act entitled "An act for the better settlement and relief of the poor" passed the 7th day of March 1788, be and the same is hereby repealed.

## CHAP. 81.

**AN ACT** authorizing the mayor, aldermen and commonalty of the city of Albany, to raise a sum by tax for defraying the expence of lighting the lamps, and for the support of a night watch in the said city.

PASSED the 3d of April, 1796.

Preamble.

**WHEREAS** the mayor, aldermen and commonalty of the city of Albany, have by their petition requested a law authorizing them to raise the sum of three thousand dollars for the defraying the expence of lighting lamps, and for the support of a night watch in the said city: Therefore,

Tax levy in Albany city.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That it shall and may be lawful to and for the said mayor aldermen and commonalty in common council convened, as soon as conveniently may be after the passing of this act, to order the raising a sum not exceeding three thousand dollars by a tax on the estates real and personal of all and every the freeholders and inhabitants within the said city, residing within half a mile westward of Hudson's river, to be applied to the payment of so many watchmen as the said mayor, aldermen and commonalty have employed or shall think necessary to employ for guarding the said city, for one year, and for defraying the expence for one year, of lighting the lamps, that now are or within the period aforesaid may be erected within the said

city, which said sum shall be rated and assessed by the assessors on the said city for the time being, and levied and collected in the same manner as hath heretofore been accustomed within the said city for levying and collecting the tax for the maintenance of the poor, and other contingent charges within the said city, and that the tax shall be paid into the hands of the chamberlain of the said city for the time being, to be applied and disposed of from time to time in such manner for the purposes\* hereinbefore mentioned as the said mayor, aldermen and commonalty of the said city in common council convened shall direct and appoint.

*And be it further enacted*, That the chamberlain of the said city for the time being shall publish as soon as conveniently may be a state of all monies received and expended by virtue of this act, in one or more of the public newspapers printed in the city of Albany.

Statement  
to be pub-  
lished.

## CHAP. 82.

AN ACT to amend the act entitled "An act for suppressing immorality," passed the 23rd day of February 1788.

PASSED the 8rd of April, 1798.

*Be it enacted by the People of the State of New York represented in Senate and Assembly*, That no tavern keeper ale or porter house keeper, inn keeper or any person or persons retailing strong or spiritous liquors, ale or porter within this State, shall sell or dispose of any such liquors, on the first day of the week commonly called Sunday, to any person or persons whatsoever (lodgers and travellers tolerated by law excepted) and that every person offending in the premises, and being thereof duly convicted before any mayor, recorder, alderman or justice of the peace, of the city or town where the same shall have been committed, upon the view of the said mayor, recorder, alderman or justice of the peace, or on confession of the party so offending, or upon the oath of one or more credible witness or witnesses, shall forfeit and pay for every such offence the sum of two dollars and fifty cents.

Sale of  
liquors on  
Sunday  
prohibited.

*And be it further enacted* That nothing contained in this act or the act hereby amended so far as respects travelling shall extend to any person or persons who shall be removing his or their families or household furniture; but it shall be lawful for such person or persons peaceably and quietly to prosecute and continue such removal on the first day of the week called the Lords day so that such removal be not commenced on such day.

Act not to  
extend to  
certain ac-  
tions be-  
gun on a  
week day.

*And be it further enacted* That in all actions commenced, and brought by virtue of this law, or by virtue of the law hereby amended, the same fees shall be allowed, and taken as are allowed and taken by the act entitled "An act for the more speedy recovery of debts, to the value of ten pounds," and no more; and that all charges of the information and conviction of any such offender shall be borne and paid by the party offending, over and above the penalties inflicted by this law, and the law hereby amended; which charges shall be settled

Costs and  
charges in  
prosecu-  
tions.

and ascertained by the mayor, recorder, alderman or justice, before whom such conviction shall be had, but shall in no case exceed the sum of five dollars, and that all penalties which shall hereafter be adjudged, levied and collected by virtue of this law, or the law hereby amended, shall be received by the magistrate before whom such conviction and adjudication was had, and shall by him, within thirty days after the receipt thereof, be paid over for the use of the poor in the city or town where the same was so levied and collected, and that no conviction or adjudication which hereafter shall be had by virtue of this law shall be liable to be removed by certiorari into the supreme court, but shall be deemed and taken to be final, to all intents and purposes whatsoever.

## CHAP. 83.

AN ACT for raising money to finish and repair the court house and goal in Queens county.

PASSED the 4th of April, 1798.

Tax levy  
for repairs  
to court-  
house and  
jail.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That the supervisors of Queens county be, and they are hereby authorized and required to direct to be raised and levied by a tax on the freeholders and inhabitants of the said county, the sum of five hundred dollars, with an additional sum of five cents on the dollar for collecting the same, which sum shall be raised, levied and collected in like manner as the other necessary and contingent charges of the said county are by law raised, levied and collected.

When to be  
paid; how  
applied.

*And be it further enacted,* That the said sum of five hundred dollars, shall be collected and paid into the treasury of the said county on or before the first day of February next; and the treasurer of the said county is hereby required and directed to pay the said sum of five hundred dollars to the order of such person or persons as the said supervisors shall appoint to finish and repair the said court house and goal, retaining in his hands the sum of one cent on the dollar for receiving and paying out the same.

Account-  
ing for  
moneys.

*And be it further enacted,* That the person or persons so to be appointed to finish and repair the said court house and goal shall account with the supervisors of the said county for the money so by them to be received and expended for the purposes aforesaid, when thereunto required.

## CHAP. 84.

AN ACT for building a court house and gaol in the county of Schoharie.

PASSED the 4th of April, 1798.

Tax levy  
for court-  
house and  
jail.

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That the supervisors of the several towns in the county of Schoharie for the time being or the major part of them shall

be, and they are hereby authorized and required to direct to be raised and levied on the freeholders and inhabitants of the said county the sum of two thousand dollars for the purpose of building a court house and gaol in the said county, with the additional sum of four cents in the dollar for collecting the same, which sum shall be raised, levied and collected in the same manner, as the other necessary and contingent charges of the said county are levied and collected.

*And be it further enacted* That the one half of the said sum of two thousand dollars shall be collected and paid into the treasury of the said county on or before the first Tuesday of December next, and the other half on or before the first Tuesday of December which will be in the year one thousand seven hundred and ninety nine.— When to be paid.

*And be it further enacted* That the supervisors of the said county of Schoharie at their meeting on the last Tuesday in May next, shall determine on the quota which each respective town in the said county shall pay of the said sum of one thousand dollars, so to be raised in the present year by virtue of this act, together with the sum of four cents in the dollar for collecting the same among the several towns in the said county.— Apportionment.

*And be it further enacted,* That the supervisors of the said county of Schoharie at their meeting on the last Tuesday of May in the year one thousand seven hundred and ninety nine, shall determine on the quota which each respective town in the said county shall pay of the said sum of one thousand dollars so to be raised in that year, by virtue of this act, together with the sum of four cents in the dollar for collecting the same among the several towns in the said county. Id

*And be it further enacted* That it shall and may be lawful for the treasurer of the said county to retain in his hands the sum of one cent in the dollar for his trouble in receiving and paying out the money to be raised by virtue of this act.— Fees of treasurer.

*And be it further enacted* That Jacob Lawyer Junior, Jost Borst Junior, Peter Snyder, John H. Schafer, and William Thrall shall be commissioners to superintend the building the court house & gaol, and that the said commissioners or a major part of them shall and may contract with workmen and purchase materials for erecting the same; and shall from time to time draw upon the treasurer of the said county for the purpose aforesaid, for the money that shall be paid into the treasury by virtue of this act; and the said treasurer is hereby required to pay to the order of the said commissioners or the major part of them the several sums of money to be by them drawn for the aforesaid purpose, and it is hereby made the duty of the said commissioners to account with the supervisors of the said county for the money which they shall have received by virtue of this act, when they shall be thereunto required.— Commissioners to build court-house and jail.

*And be it further enacted,* That the court house and gaol so to be built, shall be erected and built in the town of Schoharie, at such place as the commissioners named in the preceeding clause shall designate and appoint within one half mile of the intersection of the Cobels kill and Schoharie roads in the said county. Where to be built.

*And be it further enacted* That the said commissioners or a majority of them are hereby authorized and required to procure a good and sufficient title of conveyance for a quantity of land within the limits above mentioned not exceeding one acre, which deed shall be taken in the name of the supervisors of the said county and their successors in office for ever, in trust for the sole use and benefit of the inhabitants of the said county, which deed shall be lodged in the office of the clerk of said county.— Purchase of land.

## CHAP. 85.

**AN ACT** to authorize the raising a sum of money for making certain necessary accommodations for the goal and certain repairs for the court house in the county of Rensselaer.

PASSED the 4th of April, 1793.

**Preamble.** WHEREAS it has been made to appear to this legislature that the sum of five hundred dollars are requisite to furnish and procure the necessary accommodations for the goal and to make certain repairs in the court house in the county of Rensselaer that have become indispensable. Therefore.

**Tax levy for repairs to court-house and jail.** *Be it enacted by the People of the State of New York, represented in Senate and Assembly* That the supervisors of the several towns in the said county of Rensselaer, for the time being or the major part of them, shall be and they are hereby authorized and required, at their next meeting in May next to direct to be raised and levied on the freeholders and inhabitants of the said county of Rensselaer the sum of five hundred dollars together with four cents in each dollar for collecting the same, and which said sums shall be raised levied and collected as the other necessary and contingent expences of the said county are levied and collected—

**When to be paid.** *And be it further enacted,* That the said sum of five hundred dollars shall be collected and paid into the treasury of the said county on or before the first day of October next.

**How paid out.** *And be it further enacted,* That it shall be the duty of the treasurer of the said county, and he is hereby required out of the monies aforesaid to pay to the order of the person hereinafter named, commissioner appointed to cause such accommodations and repairs to be made, the sums for which he may draw, and the said commissioner shall account with the supervisors of the said county, for the monies so received whenever he shall be thereunto required.

**Commissioner named.** *And be it further enacted,* That James Dole Esquire shall be the commissioner for causing to be made and procured the accommodations and repairs in this act before recited.

**Fees of treasurer.** *And be it further enacted* That the treasurer of said county be authorized to retain in his hands one cent for each dollar by him received, for his trouble in receiving and paying out such monies.

## CHAP. 86.

**AN ACT** to raise a sum of money for building a court house and gaol in Delaware county, and for other purposes therein mentioned.

PASSED the 4th of April, 1793.

**Preamble.** WHEREAS the supervisors of Delaware county, have by their petition requested the legislature to enable them by law to raise a sum of money for building a court house and gaol in the said county; therefore

**Tax levy for court-house and jail.** *Be it enacted by the People of State of New York represented in Senate and Assembly,* That the supervisors of the several towns in said county for the time being, or the major part of them, shall be and

they are hereby authorized and required to direct to be raised and levied on the freeholders and inhabitants of the said county a sum not exceeding twelve hundred dollars, for building a court house and gaol in the said county; which said sum shall be raised, levied and collected in the like manner as the other necessary and contingent charges of the said county are levied and collected.

*And be it further enacted* That the supervisors of Delaware county or the major part of them shall at their annual meeting on the last Tuesday of May in the present year raise and levy the said sum of twelve hundred dollars for the purposes aforesaid. When to be levied.

*And be it further enacted* That the sum so to be raised shall be collected and paid into the treasury of the said county on such day or days as the supervisors of said county for the time being or the major part of them shall direct. When to be paid.

*And be it further enacted* That the supervisors of the said county shall on the said last Tuesday in May, or as soon thereafter as may be, appoint three commissioners to superintend the building of the court house and gaol aforesaid, which said court house and gaol shall be erected at or near the mouth of little Delaware, and upon the lot of land conveyed to the supervisors of said county by Levi Baxter and George Fish for the purpose of erecting a court house and gaol thereon, and upon such plan as the aforesaid commissioners or a majority of them so to be appointed shall deem most consistent with the economy and interest of the said county, and that the said commissioners, or a majority of them to be so appointed shall may contract with workmen, and purchase materials for erecting the aforesaid court house and gaol, and shall from time to time draw upon the treasurer of the said county for such sums of money for the purposes aforesaid as shall come into the hands of the said treasurer by virtue of this act; and the said treasurer is hereby required, out of the monies aforesaid, to pay to the order of the said commissioners the several sums of money to be by them drawn for; and it is hereby made the duty of such commissioners, so to be appointed, to account with the supervisors of the said county for the monies which they shall have so received from the treasury, when thereunto required. Commissioners to superintend construction; where built.

*And be it further enacted* That from and after the passing of this act, it shall and may be lawful for the treasurer of this State; and he is hereby required, in all appropriations directed in and by the act entitled "An act for the encouragement of schools" passed the 9th day of April 1795 to apportion the several sums of money directed in and by the said act, to be appropriated and paid to the counties of Ulster and Otsego for the purposes mentioned in the said act, in and among the said counties of Ulster, Otsego and Delaware, in proportion to their respective number of representatives in the assembly of this State. Apportionment of school moneys.

## CHAP. 87.

AN ACT, to prevent the evils arising from the dissolution of any religious corporation within this State.

PASSED the 4th of April, 1798.

WHEREAS it has been represented to the legislature that several Preamble.  
corporations of religious societies or churches or congregations within

this State, formed under, and by virtue of the act entitled An act to enable all the religious denominations in this State to appoint trustees, who shall be a body corporate, for the purposes therein mentioned, passed the sixth day of April one thousand seven hundred and eighty four have been dissolved by a non-compliance with the directions prescribed in the said act, and that in case of a reincorporation under the said act, of any of the said churches or societies, or of any others which may hereafter be dissolved, the estate or property belonging to the said church or society, at the time of its dissolution, will not vest in such church or society on its reincorporation: Whereby a loss of such estate and property will be sustained; for remedy whereof

Property  
of reincor-  
porated re-  
ligious  
societies.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That in case of a reincorporation of any such church or society, in virtue of, and agreeably to the form, and in the manner prescribed by the said recited act within three years after such dissolution the estate and property belonging to the same, at the time of its dissolution, shall immediately, on the reincorporation of the said church or congregation, vest in such corporation to all intents and purposes whatsoever, as if the same had not been dissolved, *Provided* that the triennial return be made, agreeably to the aforesaid act, within three years after such reincorporation.

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## CHAP. 88.

**AN ACT** establish a turnpike corporation for improving the State road from the house of John Weaver in Watervliet to Cherry Vally.

PASSED the 4th of April, 1798.

Western  
Turnpike  
Road Com-  
pany in-  
corporation  
of.

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That William North, John Tayler Joseph White Ephraim Hudson, Abraham Ten Eyck, Robert McClellan Calvin Cheesman Zinas Pynneo Elihu Phinney and Thomas Machin, and all such persons as shall associate for the purpose of making a good and sufficient road from the house where John Weaver now lives in the town of Watervliet following the State road to the house where John Walton now lives in the town of Cherry Valley, shall and are hereby created and made a corporation and body politic in fact and in name by the name of The President Directors and Company of the Western Turnpike Road, and that by that name shall be capable in law to purchase have; hold, enjoy, and retain to them and their respective successors, lands tenements hereditaments, goods, chattles and effects of every kind whatsoever, and the same or any part thereof to sell, grant, demise, alien or dispose of, to sue and be sued plead and be impleaded, answer and be answered unto, defend and be defended in all courts of record or any other place whatsoever, *provided* that the lands so to be purchased as aforesaid shall not exceed in value the sum of one thousand dollars.

Subscription  
of  
stock;  
election of  
directors.

*And be it further enacted* That William North, John Tayler Ephraim Hudson Joseph White Zinas Pynneo, Elihu Phinney, and Calvin Cheesman be and they are hereby appointed commissioners to do and perform the several duties herein after mentioned, that is to say, they shall on or before the first day of May next, procure four books, and in each of them

enter as follows " We whose names are hereunto subscribed do for our selves and our legal representatives promise to pay to the president directors and company of the Western Turnpike road, the sum of forty dollars for every share of stock in the said company set opposite to our respective names in such manner and proportion and at such time and place as shall be determined by the said president directors and company one of which books shall be left with Calvin Cheesman in the city of Schenectady one other of which books shall be left with Zinas Pynneo in the town of Sharon, one other of which books shall be left with Elihu Phinney in the town of Otsego and one other of which books shall be left with Ephraim Hudson in the town of Cherry Valley who shall keep the same open for the purpose of receiving subscriptions; and every subscriber shall at the time of subscribing pay unto either of the said commissioners the sum of ten dollars for each share so subscribed and the said commissioners shall as soon as three hundred shares have been subscribed, cause an advertisement to be inserted in one of the public news papers printed in the city of Albany and in the public news paper printed in Cooperstown giving at least thirty days notice of the time and place the said subscribers shall meet for the purpose of choosing thirteen directors who shall be stockholders for the purpose of managing the concerns\* of the said company for one year, and the day for choosing the said directors shall forever hereafter be the anniversary day for choosing the directors and the said directors elected by a plurality of the votes of the stockholders present shall immediately proceed to the choice of one of their number for president and the said president and directors shall and may meet from time to time and at such time and place as they by their bye laws shall direct, and shall have power to make such bye laws, rules, orders and regulations not inconsistent with the constitution or laws of this State or of the United States as shall be necessary for the well ordering the affairs of the said corporation. *Provided* that no person shall have more than ten votes whatever number of shares he may be entitled to and that each person shall be entitled to one vote for every share by him held under the said number.

*And be it further enacted* That the said president and directors may continue to receive subscriptions to the stock of the said corporation until there shall be one thousand shares subscribed, that they shall have power to appoint such officers, agents, clerks, workmen and others under them as shall be necessary for executing the business of the said corporation. Capital stock; of floors.

*And be it further enacted* That it shall and may be lawful to and for the president and directors of the said corporation and their superintendants, artists, workmen and labourers with carts, waggons, and other carriages with their beasts of draught and burthen\* and all necessary tools and implements to enter upon the lands contiguous or near to the said road, first giving notice of such intention to the owners or occupants thereof and doing as little damage thereto as possible, and repairing any breaches they may make in the enclosure thereof and making amends for any damages that may be sustained by the owners of such ground or improvements by appraisement in manner herein after directed and upon a reasonable agreement of the owner if they can agree, and if they cannot agree then upon an appraisement to be made upon the oath of three, or if they disagree any two indifferent freeholders to be mutually chosen or if the owners Power to enter on lands; damages.

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\* So in original.



neglect or refuse to join in the choice, to be appointed by any justice of the peace of the county, and on tender of the appraised value to carry away any timber, stone, gravel, sand or earth being most conveniently situated for making or repairing the said road and turnpikes, and to use the same in carrying on the said work.

How road  
to be con-  
structed.

*And be it further enacted* That the said president and directors shall cause twenty feet, of the said State road to be bedded with wood, stone, gravel or any other hard substance well compacted together, a sufficient depth to secure a solid foundation to the same, and the said road shall be faced with gravel or stone pounded, or some other small hard substance in such manner as to secure a firm and as near as the materials will admit, an even surface, rising towards the middle by a gradual arch of at least twenty inches, and they shall during the continuance of this act maintain and keep the same in good and sufficient repair from the house of John Weaver in Watervliet to John Waltons in Cherry Vally.

License by  
governor.

*And be it further enacted* That as soon as the said president directors and company shall have perfected the said road they shall give notice thereof to the person administering the government\* of this State, who shall thereupon forthwith nominate and appoint three skilful and judicious persons to view the same and report to him in writing whether the said road is executed in a masterly and workmanlike manner, according to the true intent and meaning of this act, and if their report be in the affirmative then it shall be lawful for the person administering the government\* of this State by licence under his hand and the privy seal of this State to permit and suffer the said president directors and company to erect and fix so many gates or turnpikes upon and across the said road as will be necessary and sufficient to collect the tolls and duties herein after granted the said corporation from all persons travelling the same. *Provided always*, that such gates or turnpikes shall be erected at a distance not less than ten miles from each other.

Rates of  
toll.

*And be it further enacted* That as soon as the said road is perfected and the same being duly examined approved and licenced in manner aforesaid, it shall and may be lawful for the president and directors to appoint a sufficient number of toll gatherers to collect and receive of and from all and every person and persons using the said road the tolls and duties herein after mentioned and no more, that is to say, for every ten miles in length of said road the following sums of money and so in proportion for any greater or lesser distance or for any greater or lesser number of sheep, hogs or cattle, to wit for every score of sheep five cents, for every score of hogs five cents for every score of cattle twelve cents, for every horse and rider or led horse four cents for every sulkey chair or chaise with one horse twelve cents for every chariot coach, coachee, or phaeton twenty five cents for every stage waggon or other four wheel carriage drawn by two horses twelve cents, and three cents for every additional horse, for every cart sleigh or sled four cents if drawn by two horses or oxen, and in the like proportion if drawn by a greater or lesser number of horses or oxen, and it shall be lawful for any of the said toll gatherers to stop any person riding leading or driving any horses cattle, sheep, or hogs, sulkey, phaeton, chair, chaise, cart, waggon, sleigh, or other carriage of burthen or pleasure from passing through the said gates or turnpikes until they shall have respectively paid the toll as above specified. *Provided* that

\* So in original.

no toll shall be demanded or taken of any person for travelling or going with any of their goods and chattels made liable by this act to pay toll and which person or persons shall be resident on the said road within the gates or turnpikes to be established in pursuance of this act *provided further* that such persons so to be exempted shall be entitled thereto only in passing the gates or turnpikes within which they shall be resident as aforesaid.

*And be it further enacted* That if any of the toll gatherers shall unreasonably delay or hinder any traveller or passenger at any of their gates, or shall demand or receive more toll than is by this act established he shall for every such offence forfeit and pay the sum of ten dollars to be prosecuted for and recovered before any justice of the peace in the county where such offence shall be committed for the sole use and benefit of the person so unreasonably delayed hindred or defrauded.

Unreasonable delay by toll-gatherer.

*And be it further enacted* That the said corporation shall cause posts to be erected at the intersection of every road falling into and leading out of the said turnpike road with boards and an index hand pointing to the direction of such road, on both sides whereof shall be inscribed in legible characters the name of the town or place to which such road leads and the distance thereof in computed miles; and the said company shall cause mile stones or mile posts to be erected on one side of said road at the distance of one mile, beginning at the house of the said John Weaver and extending thence to Cherry Vally whereon shall be marked in plain legible characters the respective number of miles which each stone or post is distant from Albany, and also shall cause to be affixed at each gate or turnpike a printed list of the rates of toll which may lawfully be demanded for the information of travellers and others using the said road.

Guide posts and mile stones.

*And be it further enacted* That the president and directors of the said corporation shall keep a just and fair account of all monies received by the several collectors of toll on said road, and shall make and declare a dividend of the clear profits and income (all contingent costs and charges being first deducted) amongst all the stockholders of the said corporation, and shall on the second Tuesday in January and July in every year publish the half yearly dividend to be made of the said clear profits, among the stockholders, and of the time and place when and where the same will be paid and shall cause the same to be paid accordingly.

Accounts to be kept; dividends.

*And be it further enacted* That the said president and directors shall within six months after said road is compleated lodge in the comptrollers office of this State an account of the expense thereof and that the said corporation shall annually exhibit to the comptroller a true account of the income or dividend arising from the said toll with the annual disbursements on said road.—

Statements to be filed with comptroller.

*And be it further enacted* That the legislature may dissolve the said corporation when they shall be satisfied that the income arising from the said toll shall have fully compensated the said corporation for all monies they may have expended in purchasing, making repairing and taking care of the said road together with an interest therein at the rate of fourteen per centum per annum and thereupon the right, interest and property of said road shall be vested in the people of this State, and be and remain at their disposal. *Provided*—that if the said corporation shall not proceed to carry on the said road within two years after the passing of this act, or shall not within five years afterward compleat the said road according to the true intent and meaning

Dissolution of corporation.

and ascertained by the mayor, recorder, alderman or justice, before whom such conviction shall be had, but shall in no case exceed the sum of five dollars, and that all penalties which shall hereafter be adjudged, levied and collected by virtue of this law, or the law hereby amended, shall be received by the magistrate before whom such conviction and adjudication was had, and shall by him, within thirty days after the receipt thereof, be paid over for the use of the poor in the city or town where the same was so levied and collected, and that no conviction or adjudication which hereafter shall be had by virtue of this law shall be liable to be removed by certiorari into the supreme court, but shall be deemed and taken to be final, to all intents and purposes whatsoever.

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## CHAP. 83.

AN ACT for raising money to finish and repair the court house and goal in Queens county.

PASSED the 4th of April, 1798.

Tax levy  
for repairs  
to court-  
house and  
jail.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That the supervisors of Queens county be, and they are hereby authorized and required to direct to be raised and levied by a tax on the freeholders and inhabitants of the said county, the sum of five hundred dollars, with an additional sum of five cents on the dollar for collecting the same, which sum shall be raised, levied and collected in like manner as the other necessary and contingent charges of the said county are by law raised, levied and collected.

When to be  
paid; how  
applied.

*And be it further enacted,* That the said sum of five hundred dollars, shall be collected and paid into the treasury of the said county on or before the first day of February next; and the treasurer of the said county is hereby required and directed to pay the said sum of five hundred dollars to the order of such person or persons as the said supervisors shall appoint to finish and repair the said court house and goal, retaining in his hands the sum of one cent on the dollar for receiving and paying out the same.

Account-  
ing for  
moneys.

*And be it further enacted,* That the person or persons so to be appointed to finish and repair the said court house and goal shall account with the supervisors of the said county for the money so by them to be received and expended for the purposes aforesaid, when thereunto required.

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## CHAP. 84.

AN ACT for building a court house and gaol in the county of Schoharie.

PASSED the 4th of April, 1798.

Tax levy  
for court-  
house and  
jail.

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That the supervisors of the several towns in the county of Schoharie for the time being or the major part of them shall

be, and they are hereby authorized and required to direct to be raised and levied on the freeholders and inhabitants of the said county the sum of two thousand dollars for the purpose of building a court house and gaol in the said county, with the additional sum of four cents in the dollar for collecting the same, which sum shall be raised, levied and collected in the same manner, as the other necessary and contingent charges of the said county are levied and collected.

*And be it further enacted* That the one half of the said sum of two thousand dollars shall be collected and paid into the treasury of the said county on or before the first Tuesday of December next, and the other half on or before the first Tuesday of December which will be in the year one thousand seven hundred and ninety nine.— When to be paid.

*And be it further enacted* That the supervisor of the said county of Schoharie at their meeting on the last Tuesday in May next, shall determine on the quota which each respective town in the said county shall pay of the said sum of one thousand dollars, so to be raised in the present year by virtue of this act, together with the sum of four cents in the dollar for collecting the same among the several towns in the said county.— Apportionment.

*And be it further enacted,* That the supervisors of the said county <sup>1d</sup> of Schoharie at their meeting on the last Tuesday of May in the year one thousand seven hundred and ninety nine, shall determine on the quota which each respective town in the said county shall pay of the said sum of one thousand dollars so to be raised in that year, by virtue of this act, together with the sum of four cents in the dollar for collecting the same among the several towns in the said county.

*And be it further enacted* That it shall and may be lawful for the treasurer of the said county to retain in his hands the sum of one cent in the dollar for his trouble in receiving and paying out the money to be raised by virtue of this act.— Fees of treasurer.

*And be it further enacted* That Jacob Lawyer Junior, Jost Borst Junior, Peter Snyder, John H. Schafer, and William Thrall shall be commissioners to superintend the building the court house & gaol, and that the said commissioners or a major part of them shall and may contract with workmen and purchase materials for erecting the same; and shall from time to time draw upon the treasurer of the said county for the purpose aforesaid, for the money that shall be paid into the treasury by virtue of this act; and the said treasurer is hereby required to pay to the order of the said commissioners or the major part of them the several sums of money to be by them drawn for the aforesaid purpose, and it is hereby made the duty of the said commissioners to account with the supervisors of the said county for the money which they shall have received by virtue of this act, when they shall be thereunto required.— Commissioners to build court-house and jail.

*And be it further enacted,* That the court house and gaol so to be built, shall be erected and built in the town of Schoharie, at such place as the commissioners named in the preceeding clause shall designate and appoint within one half mile of the intersection of the Cobels kill and Schoharie roads in the said county. Where to be built.

*And be it further enacted* That the said commissioners or a majority of them are hereby authorized and required to procure a good and sufficient title of conveyance for a quantity of land within the limits above mentioned not exceeding one acre, which deed shall be taken in the name of the supervisors of the said county and their successors in office for ever, in trust for the sole use and benefit of the inhabitants of the said county; which deed shall be lodged in the office of the clerk of said county.— Purchase of land.

## CHAP. 85.

AN ACT to authorize the raising a sum of money for making certain necessary accommodations for the goal and certain repairs for the court house in the county of Rensselaer.

PASSED the 4th of April, 1798.

Preamble.

WHEREAS it has been made to appear to this legislature that the sum of five hundred dollars are requisite to furnish and procure the necessary accommodations for the goal and to make certain repairs in the court house in the county of Rensselaer that have become indispensable. Therefore.

Tax levy for repairs to court-house and jail.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly* That the supervisors of the several towns in the said county of Rensselaer, for the time being or the major part of them, shall be and they are hereby authorized and required, at their next meeting in May next to direct to be raised and levied on the freeholders and inhabitants of the said county of Rensselaer the sum of five hundred dollars together with four cents in each dollar for collecting the same, and which said sums shall be raised levied and collected as the other necessary and contingent expences of the said county are levied and collected—

When to be paid.

*And be it further enacted,* That the said sum of five hundred dollars shall be collected and paid into the treasury of the said county on or before the first day of October next.

How paid out.

*And be it further enacted,* That it shall be the duty of the treasurer of the said county, and he is hereby required out of the monies aforesaid to pay to the order of the person hereinafter named, commissioner appointed to cause such accommodations and repairs to be made, the sums for which he may draw, and the said commissioner shall account with the supervisors of the said county, for the monies so received whenever he shall be thereunto required.

Commissioner named.

*And be it further enacted,* That James Dole Esquire shall be the commissioner for causing to be made and procured the accommodations and repairs in this act before recited.

Fees of treasurer.

*And be it further enacted* That the treasurer of said county be authorized to retain in his hands one cent for each dollar by him received, for his trouble in receiving and paying out such monies.

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## CHAP. 86.

AN ACT to raise a sum of money for building a court house and gaol in Delaware county, and for other purposes therein mentioned.

PASSED the 4th of April, 1798.

Preamble.

WHEREAS the supervisors of Delaware county, have by their petition requested the legislature to enable them by law to raise a sum of money for building a court house and gaol in the said county; therefore

Tax levy for court-house and jail.

*Be it enacted by the People of State of New York represented in Senate and Assembly,* That the supervisors of the several towns in said county for the time being, or the major part of them, shall be and

they are hereby authorized and required to direct to be raised and levied on the freeholders and inhabitants of the said county a sum not exceeding twelve hundred dollars, for building a court house and gaol in the said county; which said sum shall be raised, levied and collected in the like manner as the other necessary and contingent charges of the said county are levied and collected.

*And be it further enacted* That the supervisors of Delaware county or the major part of them shall at their annual meeting on the last Tuesday of May in the present year raise and levy the said sum of twelve hundred dollars for the purposes aforesaid. When to be levied.

*And be it further enacted* That the sum so to be raised shall be collected and paid into the treasury of the said county on such day or days as the supervisors of said county for the time being or the major part of them shall direct. When to be paid.

*And be it further enacted* That the supervisors of the said county shall on the said last Tuesday in May, or as soon thereafter as may be, appoint three commissioners to superintend the building of the court house and gaol aforesaid, which said court house and gaol shall be erected at or near the mouth of little Delaware, and upon the lot of land conveyed to the supervisors of said county by Levi Baxter and George Fish for the purpose of erecting a court house and gaol thereon, and upon such plan as the aforesaid commissioners or a majority of them so to be appointed shall deem most consistent with the economy and interest of the said county, and that the said commissioners, or a majority of them to be so appointed shall may contract with workmen, and purchase materials for erecting the aforesaid court house and gaol, and shall from time to time draw upon the treasurer of the said county for such sums of money for the purposes aforesaid as shall come into the hands of the said treasurer by virtue of this act; and the said treasurer is hereby required, out of the monies aforesaid, to pay to the order of the said commissioners the several sums of money to be by them drawn for; and it is hereby made the duty of such commissioners, so to be appointed, to account with the supervisors of the said county for the monies which they shall have so received from the treasury, when thereunto required. Commissioners to superintend construction; where built.

*And be it further enacted* That from and after the passing of this act, it shall and may be lawful for the treasurer of this State; and he is hereby required, in all appropriations directed in and by the act entitled "An act for the encouragement of schools" passed the 9th day of April 1795 to apportion the several sums of money directed in and by the said act, to be appropriated and paid to the counties of Ulster and Otsego for the purposes mentioned in the said act, in and among the said counties of Ulster, Otsego and Delaware, in proportion to their respective number of representatives in the assembly of this State. Apportionment of school moneys.

## CHAP. 87.

AN ACT, to prevent the evils arising from the dissolution of any religious corporation within this State.

PASSED the 4th of April, 1798.

WHEREAS it has been represented to the legislature that several corporations of religious societies or churches or congregations within Preamble.

this State, formed under, and by virtue of the act entitled An act to enable all the religious denominations in this State to appoint trustees, who shall be a body corporate, for the purposes therein mentioned, passed the sixth day of April one thousand seven hundred and eighty four have been dissolved by a non-compliance with the directions prescribed in the said act, and that in case of a reincorporation under the said act, of any of the said churches or societies, or of any others which may hereafter be dissolved, the estate or property belonging to the said church or society, at the time of its dissolution, will not vest in such church or society on its reincorporation: Whereby a loss of such estate and property will be sustained; for remedy whereof

Property  
of reincor-  
porated re-  
ligious  
societies.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That in case of a reincorporation of any such church or society, in virtue of, and agreeably to the form, and in the manner prescribed by the said recited act within three years after such dissolution the estate and property belonging to the same, at the time of its dissolution, shall immediately, on the reincorporation of the said church or congregation, vest in such corporation to all intents and purposes whatsoever, as if the same had not been dissolved, *Provided* that the triennial return be made, agreeably to the aforesaid act, within three years after such reincorporation.

## CHAP. 88.

**AN ACT** establish a turnpike corporation for improving the State road from the house of John Weaver in Watervliet to Cherry Valley.

PASSED the 4th of April, 1798.

Western  
Turnpike  
Road Com-  
pany in-  
corporation  
of.

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That William North, John Tayler Joseph White Ephraim Hudson, Abraham Ten Eyck, Robert McClellan Calvin Cheesman Zinas Pynneo Elihu Phinney and Thomas Machin, and all such persons as shall associate for the purpose of making a good and sufficient road from the house where John Weaver now lives in the town of Watervliet following the State road to the house where John Walton now lives in the town of Cherry Valley, shall and are hereby created and made a corporation and body politic in fact and in name by the name of The President Directors and Company of the Western Turnpike Road, and that by that name shall be capable in law to purchase have; hold, enjoy, and retain to them and their respective successors, lands tenements hereditaments, goods, chattles and effects of every kind whatsoever, and the same or any part thereof to sell, grant, demise, alien or dispose of, to sue and be sued plead and be impleaded, answer and be answered unto, defend and be defended in all courts of record or any other place whatsoever, *provided* that the lands so to be purchased as aforesaid shall not exceed in value the sum of one thousand dollars.

Subscription  
of  
stock;  
election of  
directors.

*And be it further enacted* That William North, John Tayler Ephraim Hudson Joseph White Zinas Pynneo, Elihu Phinney, and Calvin Cheesman be and they are hereby appointed commissioners to do and perform the several duties herein after mentioned, that is to say, they shall on or before the first day of May next, procure four books, and in each of them

enter as follows " We whose names are hereunto subscribed do for our selves and our legal representatives promise to pay to the president directors and company of the Western Turnpike road, the sum of forty dollars for every share of stock in the said company set opposite to our respective names in such manner and proportion and at such time and place as shall be determined by the said president directors and company one of which books shall be left with Calvin Cheesman in the city of Schenectady one other of which books shall be left with Zinas Pynneo in the town of Sharon, one other of which books shall be left with Elihu Phinney in the town of Otsego and one other of which books shall be left with Ephraim Hudson in the town of Cherry Valley who shall keep the same open for the purpose of receiving subscriptions; and every subscriber shall at the time of subscribing pay unto either of the said commissioners the sum of ten dollars for each share so subscribed and the said commissioners shall as soon as three hundred shares have been subscribed, cause an advertisement to be inserted in one of the public news papers printed in the city of Albany and in the public news paper printed in Cooperstown giving at least thirty days notice of the time and place the said subscribers shall meet for the purpose of choosing thirteen directors who shall be stockholders for the purpose of managing the concerns\* of the said company for one year, and the day for choosing the said directors shall forever hereafter be the anniversary day for choosing the directors and the said directors elected by a plurality of the votes of the stockholders present shall immediately proceed to the choice of one of their number for president and the said president and directors shall and may meet from time to time and at such time and place as they by their bye laws shall direct, and shall have power to make such bye laws, rules, orders and regulations not inconsistent with the constitution or laws of this State or of the United States as shall be necessary for the well ordering the affairs of the said corporation. *Provided* that no person shall have more than ten votes whatever number of shares he may be entitled to and that each person shall be entitled to one vote for every share by him held under the said number.

*And be it further enacted* That the said president and directors may continue to receive subscriptions to the stock of the said corporation until there shall be one thousand shares subscribed, that they shall have power to appoint such officers, agents, clerks, workmen and others under them as shall be necessary for executing the business of the said corporation.

Capital stock; officers.

*And be it further enacted* That it shall and may be lawful to and for the president and directors of the said corporation and their superintendants, artists, workmen and labourers with carts, waggons, and other carriages with their beasts of draught and burthen\* and all necessary tools and implements to enter upon the lands contiguous or near to the said road, first giving notice of such intention to the owners or occupants thereof and doing as little damage thereto as possible, and repairing any breaches they may make in the enclosure thereof and making amends for any damages that may be sustained by the owners of such ground or improvements by appraisement in manner herein after directed and upon a reasonable agreement of the owner if they can agree, and if they cannot agree then upon an appraisement to be made upon the oath of three, or if they disagree any two indifferent freeholders to be mutually chosen or if the owners

Power to enter on lands; damages.

\* So in original.



neglect or refuse to join in the choice, to be appointed by any justice of the peace of the county, and on tender of the appraised value to carry away any timber, stone, gravel, sand or earth being most conveniently situated for making or repairing the said road and turnpikes, and to use the same in carrying on the said work.

How road  
to be con-  
structed.

*And be it further enacted* That the said president and directors shall cause twenty feet, of the said State road to be bedded with wood, stone, gravel or any other hard substance well compacted together, a sufficient depth to secure a solid foundation to the same, and the said road shall be faced with gravel or stone pounded, or some other small hard substance in such manner as to secure a firm and as near as the materials will admit, an even surface, rising towards the middle by a gradual arch of at least twenty inches, and they shall during the continuance of this act maintain and keep the same in good and sufficient repair from the house of John Weaver in Watervliet to John Waltons in Cherry Vally.

License by  
governor.

*And be it further enacted* That as soon as the said president directors and company shall have perfected the said road they shall give notice thereof to the person administering the government\* of this State, who shall thereupon forthwith nominate and appoint three skilful and judicious persons to view the same and report to him in writing whether the said road is executed in a masterly and workmanlike manner, according to the true intent and meaning of this act, and if their report be in the affirmative then it shall be lawful for the person administering the government\* of this State by licence under his hand and the privy seal of this State to permit and suffer the said president directors and company to erect and fix so many gates or turnpikes upon and across the said road as will be necessary and sufficient to collect the tolls and duties herein after granted the said corporation from all persons travelling the same. *Provided always*, that such gates or turnpikes shall be erected at a distance not less than ten miles from each other.

Rates of  
toll.

*And be it further enacted* That as soon as the said road is perfected and the same being duly examined approved and licenced in manner aforesaid, it shall and may be lawful for the president and directors to appoint a sufficient number of toll gatherers to collect and receive of and from all and every person and persons using the said road the tolls and duties herein after mentioned and no more, that is to say, for every ten miles in length of said road the following sums of money and so in proportion for any greater or lesser distance or for any greater or lesser number of sheep, hogs or cattle, to wit for every score of sheep five cents, for every score of hogs five cents for every score of cattle twelve cents, for every horse and rider or led horse four cents for every sulkey chair or chaise with one horse twelve cents for every chariot coach, coachee, or phaeton twenty five cents for every stage waggon or other four wheel carriage drawn by two horses twelve cents, and three cents for every additional horse, for every cart sleigh or sled four cents if drawn by two horses or oxen, and in the like proportion if drawn by a greater or lesser number of horses or oxen, and it shall be lawful for any of the said toll gatherers to stop any person riding leading or driving any horses cattle, sheep, or hogs, sulkey, phaeton, chair, chaise, cart, waggon, sleigh, or other carriage of burthen or pleasure from passing through the said gates or turnpikes until they shall have respectively paid the toll as above specified. *Provided* that

\* So in original.

no toll shall be demanded or taken of any person for travelling or going with any of their goods and chattels made liable by this act to pay toll and which person or persons shall be resident on the said road within the gates or turnpikes to be established in pursuance of this act *provided further* that such persons so to be exempted shall be entitled thereto only in passing the gates or turnpikes within which they shall be resident as aforesaid.

*And be it further enacted* That if any of the toll gatherers shall unreasonably delay or hinder any traveller or passenger at any of their gates, or shall demand or receive more toll than is by this act established he shall for every such offence forfeit and pay the sum of ten dollars to be prosecuted for and recovered before any justice of the peace in the county where such offence shall be committed for the sole use and benefit of the person so unreasonably delayed hindered or defrauded.

Unreasonable delay by toll-gatherer.

*And be it further enacted* That the said corporation shall cause posts to be erected at the intersection of every road falling into and leading out of the said turnpike road with boards and an index hand pointing to the direction of such road, on both sides whereof shall be inscribed in legible characters the name of the town or place to which such road leads and the distance thereof in computed miles; and the said company shall cause mile stones or mile posts to be erected on one side of said road at the distance of one mile, beginning at the house of the said John Weaver and extending thence to Cherry Vally whereon shall be marked in plain legible characters the respective number of miles which each stone or post is distant from Albany, and also shall cause to be affixed at each gate or turnpike a printed list of the rates of toll which may lawfully be demanded for the information of travellers and others using the said road.

Guide posts and mile stones.

*And be it further enacted* That the president and directors of the said corporation shall keep a just and fair account of all monies received by the several collectors of toll on said road, and shall make and declare a dividend of the clear profits and income (all contingent costs and charges being first deducted) amongst all the stockholders of the said corporation, and shall on the second Tuesday in January and July in every year publish the half yearly dividend to be made of the said clear profits, among the stockholders, and of the time and place when and where the same will be paid and shall cause the same to be paid accordingly.

Accounts to be kept; dividends.

*And be it further enacted* That the said president and directors shall within six months after said road is compleated lodge in the comptrollers office of this State an account of the expense thereof and that the said corporation shall annually exhibit to the comptroller a true account of the income or dividend arising from the said toll with the annual disbursements on said road.—

Statements to be filed with comptroller.

*And be it further enacted* That the legislature may dissolve the said corporation when they shall be satisfied that the income arising from the said toll shall have fully compensated the said corporation for all monies they may have expended in purchasing, making repairing and taking care of the said road together with an interest therein at the rate of fourteen per centum per annum and thereupon the right, interest and property of said road shall be vested in the people of this State, and be and remain at their disposal. *Provided*—that if the said corporation shall not proceed to carry on the said road within two years after the passing of this act, or shall not within five years afterward compleat the said road according to the true intent and meaning

Dissolution of corporation.

of this act, then and in either of those cases this act shall cease, be void, and of no effect.—

Bridge  
over Scho-  
harie  
creek.

*And be it further enacted* That the said stockholders shall be and they are hereby authorized and required to rebuild the bridge across the Schoharie creek on the State road and shall be entitled to demand and receive the same toll as they are authorized to demand and receive from persons passing through the gates on the said turnpike road for every ten miles of the same.

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## CHAP. 89.

AN ACT subjecting goods sold at auction to additional duty for the support of foreign poor in the city of New York.

PASSED the 4th of April, 1798.

Additional  
duty on  
goods sold  
at auction.

*Be it enacted by the People of the State of New York represented in Senate and Assembly*, That after the first day of May next, all goods, wares, and merchandizes or effects, that now are subject to duties on sales at auction in the city of New York, shall be and hereby are made subject to a further duty of one dollar for every hundred dollars of the value or price at which the same shall be sold, in addition to the duties now due or payable on such sales. And every vendue master or auctioneer licensed for the city of New York, shall account for and pay into the treasury of this State, all the additional duties arising from the sales at auction by virtue of this act, in the same manner, and under the same penalties, as they are directed to account for and pay the duties now due and payable upon sales at auction.

Appropriation  
for foreign  
poor.

*And be it further enacted*, That the treasurer of this State, on the order of the comptroller, is hereby directed to pay to the treasurer of the city of New York, to be appropriated by the common council of the said city, towards the support of the foreign poor within the same, the amount of the monies arising from the additional duties upon sales at auction therein directed.

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## CHAP. 90.

AN ACT to ascertain the boundary line between Queensbury and Westfield.

PASSED the 4th of April, 1798.

Westfield  
and  
Queens-  
bury  
boundary  
line.

*Be it enacted by the People of the State of New York represented in Senate and Assembly*, That a line beginning at the north west corner of the town of Kingsbury and running in the direction of Kingsbury west bounds till it strikes the waters of Lake George shall be the division line between the said town of Westfield and the town of Queensbury; and that it is hereby made the duty of the supervisors of the said towns of Westfield and Queensbury at the joint expense of said towns to cause the said line to be surveyed and marked, as soon as may be after the passing of this act.

## CHAP. 91.

### AN ACT regulating the liberties of gaols.

PASSED the 5th of April, 1798.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That the several courts of common pleas in this State, be and they are hereby authorised to appoint a certain reasonable space of ground adjacent the several gaols in their respective counties, to be denominated the liberties of the said gaols, and shall cause to be entered in their minutes the extent of such liberties, which shall, in no instance, comprehend a larger space than three acres; and shall cause the same liberties and their limits to be designated by inclosures or posts, or other visible marks placed on the outer lines of the said liberties, as to them shall seem meet and proper.

Jail limits to be established.

*And be it further enacted,* That the several sheriffs of the respective counties shall permit any prisoner who shall be in their custody on civil process only, to go at large within the limits of the respective liberties as aforesaid appointed; *provided* such prisoner shall procure and offer to such sheriffs respectively, a bond with one or more sufficient sureties in the penalty of double the amount of the sum for which such prisoner is confined; conditioned, that such prisoner shall remain a true and faithful prisoner, and shall not at any time or in any wise, escape or go without the limits of said respective liberties until discharged by due course of law, which said surety or sureties shall be an inhabitant and freeholder within the county where such prisoner is or shall be confined.

Prisoners allowed jail limits.

*And be it further enacted,* That all such bonds given by any such prisoner and his sureties in manner aforesaid, shall be valid and authentic in law, any usage, custom or law to the contrary notwithstanding.

Bonds to be valid.

## CHAP. 92.

### AN ACT for opening the navigation between Lake Erie and Lake Ontario.

PASSED the 5th of April, 1798.

WHEREAS it has been represented to this legislature that it is practicable to make a canal navigation, within this State, between the waters of Lake Erie and those of Lake Ontario and passing by the Falls of Niagara; *and whereas* such an establishment would tend greatly to facilitate and advance the internal commerce of this State and promote the convenience and prosperity of the people thereof;

Preamble.

*Therefore be it enacted by the People of the State of New York represented in Senate and Assembly* That James Watson, Charles Williamson, John Williams, Effingham Embree and Benjamin Prescott and such other persons as shall associate with them, for the purposes of this act, shall be and they are hereby made, established and declared a company for the purpose of opening a canal and lock navigation between the waters of Lake Erie and those of Lake Ontario, to consist of stockholders to be called and known by the name of "The Niagara Canal Company."

Niagara Canal Company incorporated.

General  
powers of  
corpora-  
tion.

*And be it further enacted* That such persons as shall become stockholders of the said company shall be and they are hereby erected and made a corporation and body politic, in fact and in name, by the name and style of "The Niagara Canal Company;" and by that name they and their successors shall and may have perpetual succession and by that name shall be, and are hereby made persons able and capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in courts of record or any other place whatsoever; and also to have make, and use a common seal and the same to break alter or renew at their pleasure and also to ordain establish and execute such bye laws ordinances and regulations as shall seem necessary and convenient for the government of said corporation not being contrary to the laws of this State, or of the United States, to determine the manner in which the shares of defaulting stockholders shall become forfeited, and the method of appropriating and disposing of the same, to appoint all necessary officers of said company, to prescribe the mode of conducting the business and keeping the accounts of the said company and generally to do and execute all acts, matters and things which to it shall or may appertain, subject nevertheless to the regulations, restrictions, limitations and provisions herein prescribed and declared.

Meeting  
of stock-  
holders.

*And be it further enacted* That the first meeting of the stockholders of the said company shall be at the city of Albany on the third Monday of January in the year of our Lord one thousand seven hundred and ninety nine and every subsequent meeting shall be at such time and place as shall be determined on at the meeting next preceding the same.

Majority  
to be pres-  
ent.

*And be it further enacted* That at all meetings of the stockholders of the said company, the presence of a majority of the whole company, either by themselves or their agents shall be requisite in order to transact any business except that of adjourning which may be done by a majority of the members present at the time that if at any time appointed for a meeting of the company, no stockholder shall attend, then the next regular meeting shall be at the place last adjourned to on the third Monday of the next succeeding month.

Election of  
officers.

*And be it further enacted*, That for the management of the concerns of the said corporation, the said stockholders at their first meeting, or in case a majority shall not there appear, at the first adjourned meeting thereafter at which a majority shall appear, shall choose a president, a treasurer, a clerk, and such number of directors as shall be judged to be necessary; and that after the said third Monday of January first aforesaid, there shall be an election of directors on the third Monday of January in every succeeding year, that the president shall have power to call special meetings of the directors and together with any two of the directors, to call special meetings of the stockholders whenever the same shall be deemed expedient:

Voting by  
stock-  
holders.

*And be it further enacted* That untill a majority of the stockholders shall have actually contributed to all such sum or sums of money as shall be required of them as a first payment in proportion to the stock by them respectively held, the choice of all officers and all other questions shall be determined by numbers simply, and afterwards the number of votes to which each stockholder shall be entitled, shall be determined according to the number of shares he shall hold in the proportions following, "that is to say," for one share, and not more than two shares one vote; for every two shares above two and not exceeding ten, one vote; for every four

shares above ten, and not exceeding thirty, one vote; for every six shares above thirty and not exceeding sixty, one vote; for every eight shares above sixty and not exceeding one hundred, one vote; and for every ten shares above one hundred, one vote; but no person shall be entitled to a greater number than thirty votes;

*And be it further enacted* That the votes of the stockholders may be given by proxy, but the authority of any person offering a vote in behalf of any absent stockholder, shall be proved in such manner as shall be prescribed by the laws of the corporation, and the written proof thereof shall be filed with the papers of the company. Proxy voting.

*And be it further enacted* That the said company hereby incorporated shall have full right power and authority in addition to the powers hereby above granted, *First* to cut, construct and make a canal in such manner and direction as they shall judge proper from the most convenient place above the falls of Niagara at or near Steadmans landing to the most convenient place below said falls, and nearly opposite to Queens Town landing, and to construct in such canal, and in the waters and places adjoining the same; all such locks, dams and other works and devices, as shall be necessary for the purpose of making a compleat navigable water communication, between the places aforesaid: *Secondly*, to take the water which shall be contained within any lock, dam, pond, dyke, embankment or other improvement made by the said company, and make use of the same either on their sole accounts, or in connection with any other person or persons, not being a member of the company for mills or other hydraulic works, which may be erected or constructed by the said company, or to lease, let, or grant and convey, for a limited time, the use of the water to any person or persons for any lawful purpose and the rents and profits resulting therefrom to take and receive to and for the use and benefit of the said company, in addition to the tolls and profits herein after mentioned and allowed to be taken: *Thirdly* to issue promisory notes payable to any person or persons or to his, her or their order, or to bearer which being signed by the president and counter-signed by the treasurer or clerk altho' not under the seal of the corporation, shall be binding and obligatory upon the same and shall be negotiable and assignable by endorsement, or if payable to bearer by delivery in like manner and with the like force and effect as promisory notes by law now are. *Provided always* that all such notes which shall be so issued shall specify the particular service or article for which they are given. *And provided also* that the said service or article shall have been performed or is for the purposes of the institution, *and provided further* that the whole amount of the notes so to be issued shall not at any one time exceed double the amount of the money which may have been actually paid in by the stockholders and that the directors shall be liable for the excess. *Fourthly* to take and receive from every boat or vessel passing thro' such canal, so to be made, a certain toll, not to exceed at, and after the rate of seven dollars per ton on the tonnage of said boat or vessel, which toll and the whole profits thereof shall belong to and be vested in the said corporation and their successors and shall be divided among them in proportion to their respective shares in manner to be prescribed by the laws and ordinances of the said corporation. *Provided nevertheless* at the expiration of thirty years from and after the compleating said canal, so that boats or vessels may pass through the same, it shall and may be lawful for the legislature of this State, to alter, regulate and apportion the rate of the said tollin such manner as shall be deemed just and proper. *Provided also.* Special powers of corporation.

Time limited in which work to be completed.

*And be it further enacted* That if the said canal and locks shall not within the period of ten years from and after the third Monday of January last mentioned, be made and compleated so that a vessel of seventy feet in length, sixteen feet in breadth and four feet draught of water may pass and re-pass the same between the navigable waters of Lake Erie and those of Lake Ontario, then and in such case, all the rights powers and privilages hereby granted and vested in or to be vested in the said corporation shall cease and determine and be forever null and void and the lands hereby granted shall revert to and vest in the people of this State.

Power of entry on lands; damages.

*And be it further enacted* That the said corporation by the president and directors or by any agent superintendent, engineer or other person employed in the service of the said corporation may enter into and upon all and singular the land and lands where they shall deem it proper to carry the canal and navigation herein before described and to lay out and survey such route as shall be most practicable for affecting a navigable canal as aforesaid by means of locks and other devices, doing nevertheless as little damage as possible to the ground and inclosures in and over which they shall pass. And thereupon it shall and may be lawful to and for the said president and directors respectively to contract and agree with the owner or owners of any lands and tenements for the purchase of so much thereof as shall be necessary for the making, digging and perfecting the said canal and for erecting and establishing all the necessary locks works and devices to such navigation belonging if they can agree with such owner or owners but in case of disagreement or in case the owner thereof shall be fime covert under age non compos mentis, or out of the State then it shall and may be lawful to and for the said president and directors to cause a survey and map to be made of the ground in their estimation requisite and which they may be by law authorized to appropriate for the uses aforesaid, in the field book of which survey and map shall be distinguished the land of each of the several owners and occupants appropriated or intended to be appropriated as aforesaid and the quantity thereof, and shall exhibit such field book and map to the justices of the supreme court or any two of them, and if such justices shall be of opinion that the land so surveyed is not more than what is requisite for the said uses and may be lawful for the said corporation to appropriate, they shall certify such field book and map under their hands and seals and cause the same to be filed in the office of the clerk of the county in which the same lands may be situated there to remain as a public record. And it shall thereupon be lawful for the said justices by a writing under their hands and seals to appoint not less than three nor more than five discreet persons, none of whom shall be interested in such corporation or the land so surveyed as aforesaid, to appraise the premises specified in such field book, and it shall be the duty of the appraisers or a majority of such as shall be appointed to examine the land of each owner or occupant so appropriated and to ascertain the value thereof and the damages each may sustain by such appropriation and to make a regular entry of such valuation and assessment of damages in a book to be by them kept for that purpose, and certify the same under oath to be a true fair and impartial valuation and assessment to the best of their belief and shall thereupon cause such book, the execution of the said certificate being first duly proven or acknowledged to be filed in the office of the clerk of such county as aforesaid, there to remain as a public record; and the said corporation and their successors upon paying to the several owners the sums of money

so assessed as aforesaid together with the costs of appraisment shall immediately be vested with the fee simple of the lands and tenements mentioned and specified in such field book filed in the office as aforesaid.

*And be it further enacted* That it shall and may be lawful for the said corporation to use so much of the land belonging to the people of this State as may be necessary and convenient for the said canal and locks and also one hundred feet in width on each side of said canal for towing paths and also so much as may be necessary for lyebys to receive boats, while others are passing and five acres of land at their election, at each end of the canal for the purpose of erecting houses for the residence of the receivers of tolls, and the further quantity of forty acres in one or more place or places in squares as the said corporation shall judge most convenient for erecting mills, and other hydraulic works, and shall and may take from off and out of the said lands such timber; stone and other materials as may be necessary to the construction of the said canal, locks, houses, mills and other works incident to the said canal and locks, *and provided further* that it shall be lawful for any person, at his own election to use the road heretofore used as a carrying place any thing in this act to the contrary notwithstanding, *provided also* that nothing in this act contained shall be construed to prevent the people of this State from erecting upon said lands any forts or other works necessary for the defence of the state nor effect \* the right of the people of this State to make any public road upon and through the said land when the same can be done without materially incommoding the works contemplated by this act. *And provided further* that this act, nor any thing therein contained shall be construed to prevent the erecting any bridges by the authority of this State over the canal so to be made, so that the same do not materially obstruct or injure the navigation thereof. *And provided further*, that the lands granted by this act, shall be taken surveyed and located by and with the approbation of the person administering the government of this state and not otherwise.

Right to enter upon lands of State.

## CHAP. 93.

“AN ACT for altering the bounds of the counties of Orange, Ulster & Albany.”

PASSED the 5th of April, 1798.

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That the towns of New Windsor, Newburgh, Wallkill, Montgomery & Deer Park now in the county of Ulster shall be and hereby are annexed to the county of Orange; and that the town of Catskill now in the county of Albany shall be & hereby is annexed to the county of Ulster.

Bounds of Orange, Ulster and Albany altered.

*And be it further enacted* That there shall be held in & for the said county of Orange four terms of the courts of common pleas in the said county in every year which shall commence on the last Tuesday in May, the first Tuesdays in September and December and the third Tuesday in February in each year and may continue and be held until

Terms of court in Orange county.

\* So in original.



the several Saturdays following inclusive; and two terms of the court of general sessions of the peace which shall commence on the last Tuesday of May and first Tuesday in September in each year and may continue to be held until the several Saturdays following, inclusive: *Provided* that in any of the terms aforesaid the said courts may adjourn previously to the days above limited for their termination, if the business of the said courts will permit; *provided also* that nothing in this act contained shall be construed to affect any suit or action already commenced or that shall be commenced before the last Tuesday in May next so as thereby to work a wrong or prejudice to any of the parties therein, or to affect any criminal or other proceedings on the part of the people of this State, but all such civil and criminal proceedings shall and may be prosecuted to trial, judgment & execution, as if this act had never been passed.

Where to  
be held.

*And be it further enacted* That the said courts of common pleas and general sessions of the peace hereafter to be holden in and for the said county of Orange shall (until other legislative provision be made in the premises) be held alternately at the court house in Goshen, and at the academy in the village of Newburgh in the said county; and that the gaol in Goshen in the said county of Orange shall be the common gaol of the said county.

Persons  
now bound  
by recog-  
nizance to  
appear.

*And be it further enacted* That the court of common pleas and of general sessions of the peace to be holden in and for the said county on the last Tuesday in May next shall be held at the court house in Goshen in the said county; and all process returnable in the court of common pleas of the county of Orange on the second Tuesday in May next shall be continued and made returnable in the said court of common pleas of the said county of Orange on the last Tuesday in May next and all persons bound by recognizance or otherwise to appear in the court of oyer and terminer in the county of Orange on the first Tuesday of June next shall be holden to appear and answer the same in the court of oyer and terminer to be held on said day in the said county of Orange, and all persons bound as aforesaid to appear in the courts of general sessions of the peace of the county of Orange on the second Tuesday in May next, shall be holden to appear and answer the same in the said court of general sessions of the peace of the said county of Orange on the last Tuesday in May next, anything in any former act to the contrary notwithstanding.

Assembly-  
men.

*And be it further enacted* That from and after the passing of this act it shall and may be lawful to and for the electors of the said county of Orange to choose five members of assembly, and for the electors of the said county of Ulster five, and for the electors of the said county of Albany nine and no more any law to the contrary notwithstanding.

Deficien-  
cies on  
public  
loans.

*And be it further enacted* That all deficiencies arising from loans made by the loan officers of the county of Orange upon lands situated in the said county of Orange shall be assessed and levied on the freeholders and inhabitants of that part of the said county of Orange which heretofore belonged to the said county of Orange, and all deficiencies arising from loans made by the loan officers of the county of Ulster shall be assessed and levied on the freeholders and inhabitants of that part of the said county of Orange which heretofore belonged to the said county of Ulster, and the said loan officers shall certify the amount of all such deficiencies to the supervisors of the county of Orange who shall thereupon assess and levy the same in manner aforesaid, and pay the same over to the loan officers of the said counties respectively in which such deficiencies shall have arisen; and all defi-

ciences arising from loans made by the loan officers of the county of Albany to persons resident in the town of Catskill shall be assessed and levied on the freeholders & inhabitants of the said town, and the said loan officers of the county of Albany shall certify the amount of all such deficiencies to the supervisors of the county of Ulster who shall thereupon assess and levy the same in manner aforesaid & pay the same to the said loan officers of the said county of Albany.

*And be it further enacted* That the said county of Orange shall be bounded easterly by the middle of Hudsons river, any thing in this act to the contrary thereof in any wise notwithstanding.

Eastern  
bounds of  
Orange  
county.

## CHAP. 94.

“AN ACT to establish a turnpike corporation for improving the road from the Springs in Lebanon to the city of Albany.”

PASSED the 5th of April, 1798.

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That John Tryon, Eleazur Grant, John W. Schermerhorn, Jonathan Hoag, Elisha Gilbert, James McKown, Nathan Hand, Moses King, John Darling, Jacob C. Schermerhorn, Nathaniel Brockway and all such persons as shall associate for the purpose of making a good and sufficient road from the line of the State of Massachusetts where the road from Pittsfield and Hancock leads by or near the springs in Canaan commonly called New Lebanon Springs in the nearest and most direct route as far as circumstances will admit by the house of James McKown to the ferry near the house of John I. Van Rensselaer shall be and hereby are created and made a corporation & body politic in fact and in name by the name of the “President, Directors & Company of the Albany & Columbia Turnpike Road” and that by that name they shall be capable in law to purchase, have, hold, enjoy & retain to them and their respective successors lands, tenements, hereditaments, goods, chattels, and effects of every kind whatsoever and the same or any part thereof to sell, grant, demise, alien or dispose of, to sue and be sued, plead and be impleaded answer and be answered unto defend and be defended in courts of record, or any other place whatsoever; *provided however* that the amount of the real estate which the said corporation are hereby authorized to purchase & hold shall not exceed one thousand dollars; & *provided further* that such estates so to be purchased and held shall be necessary to fulfil the end and intent of the corporation hereby created & made, and to no other use intent or purpose whatsoever.

Albany and  
Columbia  
Turnpike  
Company  
incorporated.

*And be it further enacted*, That John Tryon, Elisha Gilbert, John W. Schermerhorn, Jonathan Hoag & James McKown be & they hereby are appointed commissioners to do and perform the several duties hereinafter mentioned, that is to say, they shall on or before the first day of May next procure two books and in each of them enter as follows. “We whose names are hereunto subscribed do for ourselves and our legal representatives promise to pay the President, Directors and Company of the Albany and Columbia Turnpike Road the sum of forty dollars for every share of stock in the said company set apposite to our respective names in such manner & proportion & at such time & place as shall be determined by the said president, directors &

Subscriptions to  
stock.

Election of  
directors.

company," one of which books shall be left with James McKown in the town of Schodack, & the other with John Tryon in the town of Canaan who shall keep the same open for the purpose of receiving subscriptions, & every subscriber shall at the time of subscribing pay unto either of the said commissioners the sum of ten dollars for each share so subscribed & the said commissioners shall as soon as four hundred shares have been subscribed cause an advertisement to be inserted in one of the public news papers printed in the city of Albany giving at least thirty days notice of the time and place the said subscribers shall meet for the purpose of choosing thirteen directors who shall be stockholders for the purpose of managing the concerns of the said company for one year, and the day of choosing the said directors shall for ever hereafter be the anniversary day for choosing directors, and the said directors elected by a plurality of the votes of the stockholders present shall immediately proceed to the choice of one of their member for president; and the said president and directors shall and may meet from time to time at such time and place as they may by their bye laws direct, & shall have power to make such bye laws, rules orders and regulations not inconsistent with the constitution or laws of this State or of the United States as shall be necessary for the well ordering the affairs of the said corporation; *provided* that no person shall have more than ten votes whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share by him held under the said number.

Capital  
stock;  
officers.

*And be it further enacted* That the said president and directors may continue to receive subscriptions to the stock of the said corporation until there shall be six hundred shares subscribed; that they shall have power to appoint such officers, agents, clerks, workmen and others under them as shall be necessary for executing the business of the said corporation.

Taking of  
lands for  
road pur-  
poses; ap-  
praisal of  
value.

*And be it further enacted* That the said corporation by the president and directors, or by any agent, superintendent, artist or other person employed in their service may enter into any land where they shall deem it proper to construct the said road and to lay out and survey such routes or track as shall be most practicable for effecting a good and sufficient road between the places aforesaid; and the said president and directors may contract with the owners of said land for the purchase of so much thereof as shall be necessary for the purpose of making said road and for erecting and establishing gates, toll houses and all other works to said road belonging, but in case of disagreement or in case the owner thereof shall be feme covert, under age or non compos mentis or out of the county, then it shall and may be lawful to and for the said president & directors to apply to one of the judges of the court of common pleas of the county in which said land is situated, who is hereby authorized upon such application being made to issue his writ directed to the sheriff of the county, commanding him that by the oath of twelve good and lawful men of his bailiwick who shall be indifferent to the parties he shall enquire whether the person or persons owning any lands or tenements necessary to be used by the president and directors or which shall be injured by the establishment of the said road or turnpike which person or persons shall be named of which lands or tenements shall be described in such writ shall suffer and sustain any & what damages by reason of taking any lands, tenements or hereditaments necessary for the use of said road; and upon such writ being delivered to said sheriff he shall give at least ten days previous notice in writing to the owners and occupants of the premises

if within his bailiwick and shall cause to come at the time appointed twelve good and lawful men to whom he shall administer an oath that they will diligently enquire into the matters and things in said writ contained and a true verdict give according to the best of their judgement without favor or partiality, thereupon the sheriff and inquest shall proceed to view the premises and ascertain the injury or damages if any which the owner or owners of such lands or improvements will sustain by means of so much of the said lands and tenements being vested in the said corporation, and the said sheriff and jury shall make an inquisition under their hands and seals setting forth the damages (if any) sustained as aforesaid and the sheriff shall return the said inquisition at the next court of common pleas, and if such writ shall appear to be duly and properly executed and the return thereof be sufficiently certain then the said court shall thereupon enter judgement that the said corporation paying to the several owners as aforesaid the several sums awarded in the said inquisition or bringing the same into the said court over and besides the costs of such writs and of executing and serving the same, shall be entitled to have and to hold to them and their successors and assigns for ever the lands, tenements and improvements described in the said inquisition.

*And be it further enacted* That it shall and may be lawful to and for the president, directors & company of the said corporation and their superintendants, artists, workmen & labourers with carts, waggons & other carriages with their beasts of draft and burthen and all necessary tools and implements to enter upon the lands contiguous or near to the said road, first giving notice of such intention to the owners or occupants thereof & doing as little damage thereto as possible and repairing any breaches they may make in the inclosures thereof & making amends for any damages that may be sustained by the owners or occupants of such ground or improvements by appraisement in manner herein after directed and upon a reasonable agreement of the owners or occupants if they can agree, or if they can not agree, then upon an appraisement to be made upon the oath of three or if they disagree any two indifferent freeholders to be mutually chosen, or if the owners or occupants neglect or refuse to join in the choice to be appointed by any justice of the peace of the county and on tender of the appraised value to carry away any timber, stone, gravel, land or earth being most conveniently situated for making or repairing the said road & turnpikes and to use the same in carrying on the said work.

*And be it further enacted* That the said president, directors and company shall cause a road to be laid out at least four rods wide twenty feet of which shall be bedded with wood, stone, gravel or any other hard substance well compacted together a sufficient depth to secure a solid foundation to the same and the said road shall be faced with gravel or stone pounded or other small hard substance in such manner as to secure a firm and as near as the materials will admit an even surface rising towards the middle by a gradual arch, and they shall during the continuance of this act maintain and keep the same in good and perfect order from the New Lebanon Springs to the said ferry.

*And be it further enacted* That as soon as the said president, directors and company shall have perfected the said road, for any distance from either end of said road not less than ten miles, and so from time to time any other like distance progressively they shall give notice thereof to the governor of this State who shall thereupon forthwith nominate and appoint three skilful and judicious persons to view the

Entry on  
lands;  
damages.

Width of  
road; how  
constructed.

License by  
governor;  
toll gates.

same & report to him in writing whether the said road is so far executed in a masterly and workmanlike manner according to the true intent and meaning of this act, & if their report be in the affirmative then it shall be lawful for the governor by license under his hand and the privy seal of this State to permit and suffer the said president directors and company to erect and fix such and so many gates or turnpikes upon & across the said road as will be necessary and sufficient to collect the tolls and duties herein after granted to the said corporation from all persons traveling in the same; *provided always* that such gates or turnpikes shall be erected at a distance of not less than ten miles from each other; except on the west end of the said road at which end there may be a gate or turnpike at the distance of five miles from the ferry mentioned in the first section of this act, at which there shall be taken and received from such persons as are travelling towards the city of Albany only one half of the toll taken & received at the other gates & turnpikes; and the same one half shall be only taken & received at the gate or turnpike to be established near the said ferry; *provided further* that the toll hereby authorized to be taken shall in no instance be demanded at the last gate or turnpike through which any person or other property hereby made liable to a toll shall pass; and *provided further* that no toll shall be demanded or taken of any person for travelling or going with any of their goods and chattels made liable by this act to pay toll and which person or persons shall be resident on the said road within the gates or turnpikes to be established in pursuance of this act; *provided further* that such persons so to be exempted shall be entitled thereto only in passing the gates or turnpikes within which they shall be resident as aforesaid.

Rates of  
toll.

*And be it further enacted* That as soon as such road is perfected or such part thereof from time to time and the same being examined & licensed in manner aforesaid it shall and may be lawful for the president directors & company to appoint a sufficient number of toll gatherers to collect & receive of & from all & every person and persons using the said road the tolls and rates herein after mentioned and no more, that is to say, for every gate or turnpike the following sums of money, and so in proportion for any greater or lesser number of sheep, hogs or cattle vizt. For every score of sheep six cents; for every score of hogs six cents; for every score of cattle eight cents; for every horse & rider or led horse four cents; for every sulkey, chair or chaise with one horse and two wheels nine cents; for every cariot, coach, stage waggon or other four wheeled carriage drawn by two horses nine cents, and three cents for every additional horse; for every sleigh or sled six cents; if drawn by two horses or oxen and in the like proportion if drawn by a greater or lesser number of horses or oxen; and it shall be lawful for any of the said toll gatherers to stop any person riding leading or driving any horses, cattle, hogs or sheep sulkey, chair, chaise, phaeton, cart, waggon, sleigh or other carriage of burthen or pleasure from passing through the said gates or turnpikes until they shall have respectively paid the toll as above specified.

Gates open  
at night.

*And be it further enacted* That all gates on the said road shall be opened at nine o'clock at night and left open till day break in the morning, and no toll shall be demanded of any person passing the said gates between the periods aforesaid.

Evading  
payment  
of toll.

*And be it further enacted* That if any person who shall use the said road shall with a view to evade the payment of the tolls required by this act leave the said road and go round the said gates, every such

person shall for each offence of that kind forfeit and pay to and for the use of the president, directors & company aforesaid the sum of two dollars to be sued for in their name before any justice of the peace in the county where such offence shall be committed.

*And be it further enacted* That if any of the toll gathers shall unreasonably delay or hinder any traveller or passenger at any of their gates or shall demand or receive more toll than is by this act established he shall for every offence forfeit and pay the sum of two dollars to be prosecuted for & recovered before any justice of the peace in the county where such offence shall be committed, for the sole use and benefit of the person so unreasonably delayed, hindered or defrauded, besides all special damages accruing to the person so stopped or delayed.

Unreasonable delay by toll gatherers.

*And be it further enacted* That the said corporation shall cause posts to be erected at the intersection of every road, falling into and leading out of the said turnpike-road with boards and an index hand pointing to the direction of such road, on both sides whereof shall be inscribed in legible characters the name of the town or place to which such road leads, and the distance thereof in computed miles; and the said president directors and company shall cause mile stones to be placed on one side of said road, beginning at the distance of one mile from the said ferry, and extending thence to the line of Massachusetts whereon shall be marked in plain legible characters the respective number of miles which each stone is distant from said ferry and also shall cause to be affixed at each gate or turnpike a printed list of the rates of toll which may lawfully be demanded for the information of travellers and others using the said road.

Guide posts and mile stones.

*And be it further enacted* That the president, directors and company of the said corporation shall keep a just & fair account of all monies received by the several collectors of toll on said road and shall make and declare a dividend of the clear profits and income (all contingent costs and charges being first deducted) amongst all the stockholders of the stock of the said corporation, and shall on the second Tuesday in January and July in every year publish the half yearly dividend to be made of the said clear profits among the stockholders and of the time and place when and where the same will be paid & shall cause the same to be paid accordingly.

Dividends.

*And be it further enacted* That the said president, directors & company shall within six months after said road is compleated lodge in the comptrollers office of this State an account of the expences thereof; and that the said corporation shall annually exhibit to the comptroller a true account of the income or dividend arising from the said toll with the annual disbursements on said road.

Statement to be filed with comptroller.

*And be it further enacted* That the comptroller shall and he is hereby required to report to the legislature whenever it shall appear from the account of the said corporation that the income arising from the said toll shall have fully compensated the said corporation for all monies they may have expended in purchasing, making, repairing & taking care of the said road together with an interest thereon of fourteen per centum per annum; and thereupon the said corporation shall be dissolved and the right, interest and property of said road shall be vested in the people of this State, and be and remain at their disposal; *provided* that if the said corporation shall not proceed to carry on the said road within two years after the passing of this act, or shall not within five years afterwards complete the said road according to the true intent and meaning of this act, then in either of these cases this act shall cease be void and of no effect.

Dissolution of corporation.

## CHAP. 95.

"AN ACT to enable certain persons therein named to purchass and hold real estate within this State and for other purposeee therein mentioned."

PASSED the 5th of April, 1798.

Persons  
named  
may hold  
real estate  
within this  
State.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That it shall and may be lawful for John Garnet, James Sharpley, Samuel Owens, John Daniel Shaver, Peter Wagner, Isaac Titford John James De Rose, Alexander Watson, John Brotherson, John G. Van Staphorst, William Ashdounne, Henry Burgess, James Teesdales, Thomas Burgess, Benjamin Moody, Edward Harland, Edward Priestly, Edward Stokoe, Elizabeth Stokoe, Daniel Lane, Beury Bromley, John Qua, Andrew Eagleson, Samuel Lytle, John Cooper Junior, George Cooper, George Cooper Junior, John Cooper, John McGibbeny, John Cruikshank, Robert Nelson, Samuel Stevenson, George Ker, Roeloff Van Staphorst, Alexander Clark, Henry Boutin, Jaen Nicholas Savage, Louis Gabriel Gillet, Alexander Kincaid, James Kincaid, David Graham, Robert Graham, Joseph Graham, John Graham, William Philp, Oliver Field John Gordon, William Street, Christian Schott, James Gill, Martha Street, Thomas Agate, Zenas Webb, Arthur Webb, James Upjohn, Matthew Bryce, James Bryce, Thomas Morgan, Margaret Kemeiss, Elizabeth Kemeiss, Stephen William Vincendon Dutour, James Adair, John Kitchen, Joseph Victor Balma, Jaen Jaques de Vaussaux, Jean Louis Le Clex Pierre, Joseph Rudain, John Richard, Jacob Oboussier, George Clausse, Jean Babbiste Bossuot, Antoine Tassart, Jaen Baptiste Le Sueur, William Langworthy, Alexander Thompson, Robert Scott, James Slater, John Cranmer, Anthony Bardt, Edward Kemeiss, Mary Kemeiss, William Dicky, John Douglass, Andrew Cowan, and Daniel Thomas severally to purchase lands, tenements and hereditaments within this State and respectively to have and to hold the same to them their respective heirs & assigns for ever as fully as any natural born citizen may or can do any law of the land or usage to the contrary notwithstanding.

Lands  
heretofore  
purchased  
not to es-  
cheat.

*And be it further enacted* That no lands, tenements or hereditaments heretofore purchased by any of the persons herein before named shall escheat to the people of this State on account of the alienism of such persons, but all such lands, tenements and hereditaments, are hereby declared to be vested in such purchaser or purchasers his, her or their heirs and assigns any law to the contrary notwithstanding.

*Whereas* the words "and in default thereof" were omitted in the second clause in the bill entitled "An act so enable aliens to purchase & hold real estates within this State under certain restrictions therein mentioned" between the words "the State" and the words "the grantees" and the said bill having passed into a law, with the omission of the said words "and in default thereof" whereby the said act has become obscure and unintelligible ;

Omission  
supplied.

*Be it therefore further enacted* That the said act be amended by inserting the said words "and in default thereof" so omitted, & the same be published by the secretary of this State with the said words so inserted so that the said second clause in the said act be read in the words following "*And be it further enacted* that all and every deed or deeds,

conveyance or conveyances, to be executed in pursuance of this act shall be recorded within twelve months after the day of the date of the same in the secretaries office of this State, and in default thereof the grantees named in any such deed or conveyance shall be considered in all respects as aliens and the lands and tenements thereby conveyed shall enure to the use of the people of this State.

*And be it further enacted* That it shall be lawful for the present recorder of the city of New York to proceed in and perfect all business relating to insolvent and absent or absconding debtors commenced before the late recorder, and not compleated when he went out of office in the same manner as if the same had been commenced before the present recorder.

## CHAP. 96.

AN ACT for the sale of certain lands in the Oneida Reservation.

PASSED the 5th of April, 1798.

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That it shall be lawful for the surveyor general and he is hereby required upon the ratification of the purchase provisionally made from the Oneida Indians to lay out one tier of lots of two hundred & fifty acres each on each side of the Great Genesee road as far as the lands so purchased and not heretofore appropriated extend along the same and proceed to advertise and sell the same in the manner directed by the act entitled "An act for the better support of the Oneida Onondaga and Cayuga Indians and for other purposes therein mentioned" *provided* that in each deed there shall be a condition obligatory on the grantee of each lot to settle with his family or cause a settlement to be made on each lot so purchased within twelve months thereafter and improvements to be made on the same within three years to the amount of two hundred dollars and in failure of fulfilling said conditions, the first payment of the purchase money which shall have been paid for such lot and the estate derived under such deed shall be forfeited to the people of this State *and provided further* that this act shall not be construed to extend to or affect the tract described in the last section of the act entitled "An act for the relief of the tenants of Peter Smith and others.

Certain lands to be laid out and sold.

*And be it further enacted* That it shall be lawful for the surveyor general on the warrant of the comptroller to draw from the treasury such sum of money not exceeding two hundred dollars as shall be necessary to enable him to defray the expence of the survey hereby directed to be made.

Appropriation.

## CHAP. 97.

AN ACT to exonerate certain persons from paying arrears of quit rent.

PASSED the 5th of April, 1798.

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That all arrears of quit rent upon any farm not exceeding one hundred and fifty acres upon which no settlement or

Certain quit rents remitted.



improvement had been made before the first day of January in the year of our Lord one thousand seven hundred and eighty four and which has been since bona fide purchased and actually settled and improved shall be and hereby are remitted except such part thereof as the vendor is bound or has agreed to pay provided the owner thereof shall on or before the first day of November one thousand seven hundred and ninety nine commuted for the quit rent charged therein by paying fourteen shillings for every shilling of the said quit rent.

Proof to be furnished on claim for remission.

*And be it further enacted* That every person claiming a remission of quit rent by virtue of this act shall produce to the comptroller a map and description of the land upon which he claims such remission and the original deed or contract of sale for the same, with such proof as may be necessary to substantiate such claim and the comptroller shall thereupon certify to the treasurer the sum due thereon for commutation, and the treasurers receipt on such certificate shall be returned to the comptroller to be countersigned by him and shall then and not otherwise be a sufficient discharge of all future quit rent thereon, and in case any such farm shall exceed one hundred and fifty acres, and not exceed three hundred acres then the owner thereof shall cause to be designated upon the said map, one hundred and fifty acres thereof upon which he will pay the commutation as aforesaid, and the residue thereof shall be liable to the quit rent due thereon and all arrears thereof in the same manner as if this act had never been made, but this act shall not extend to any farm exceeding three hundred acres.

Certain stocks to be received in payment of quit rents.

*And be it further enacted* That the comptroller as hereby authorized to accept from the administrators of Peter T. Curtenius the late auditor of this State certain stocks deposited with and transferred to him on the thirtieth day of April one thousand seven hundred and ninety six for the payment of quit rents and to settle with the person or persons in behalf of whom such transfer was made, the account of the quit rents then due from him or them according to the direction of the laws then in force *provided always* that the said administrators shall transfer the said stocks to the people of the State of New York and shall deliver the certificates for the same in the Bank of New York.

Transfer of stocks.

*And be it further enacted* That all stock which by the act concerning quit rents passed in the present session of the legislature is directed to be transferred to the treasurer of this State shall instead of being transferred to the treasurer be transferred to the people of the State of New York and the certificates for the same shall be delivered to the comptroller who shall deposit the same in the Bank of New York.

How far act to extend.

*And be it further enacted* That this act shall not extend to any person who has already obtained a remission of quit rent on any land in this State by any former law.

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## CHAP. 98.

AN ACT relative to the clerk's office of the county of Herkimer.

PASSED the 5th of April, 1798.

Records of clerk of Herkimer county.

*Be it enacted by the People of the State of New York represented in Senate and Assembly*, That the records and papers appertaining to the clerks office of the former county of Herkimer shall be and remain in the custody of the former clerk of said county the present clerk of the county of Oneida untill the next session of the legislature; but no

further entries shall be made by the said clerk of Oneida in the records or books of the said clerks office of Herkimer.

*Provided* that the said former clerk of the county of Herkimer shall deliver to the present clerk such records papers and transcripts as may be necessary, and the said clerk of Herkimer require in any action or prosecution depending in any court to be holden in the same county.

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## CHAP. 99.

AN ACT to amend the act entitled An act for the relief of Nathaniel Mallery and others.

PASSED the 5th of April, 1798.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the surveyor general shall lay out for Nathaniel Mallery and the several other persons named in the act entitled "An act for the relief of Nathaniel Mallery and others," a tract of land, to contain not less than seven, nor more than ten thousand acres of the vacant and unappropriated land belonging to the people of this State, so as to include the possessions they had on the twenty fourth day of March in the year of our Lord one thousand seven hundred and ninety five, altho' the same may not be in a square but in any other form. And shall return such survey to the commissioners of the land office, who shall thereupon cause letters patent to be issued for the same to the surveyor general of this State and his heirs, in trust for the several persons who are in the actual possession thereof. And the surveyor general shall thereupon sell and convey to each of the said possessors and his heirs and assigns, his proportion thereof including his actual possession in the manner and upon the terms as near as may be mentioned and prescribed in and by the said act.

Convey-  
ance of  
lands to  
Nathaniel  
Mallery  
and others.

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## CHAP. 100.

AN ACT to revive the act entitled "An act for the relief of the examiner in chancery.

PASSED the 5th of April, 1798.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That the act entitled "An act for the relief of the examiner in chancery," be and the same is hereby revived, and that the same shall continue in force until the first day of February in the year one thousand eight hundred and one.

Act recited  
revived.

## CHAP. 101.

AN ACT further to amend the laws relative to lock navigation within this State and for other purposes therein mentioned.

PASSED the 5th of April, 1798.

Further time allowed for completing certain works.

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That the further time of five years is hereby granted and allowed the Western Inland Lock Navigation Company for completing the navigation between Schenectady and Woodcreek, any thing in any former law to the contrary notwithstanding which said term of five years shall be computed from the first day of January last past.

Trees to be cut down along Mohawk river and Wood creek.

*And be it further enacted* That it shall and may be lawful for the said company to cut down the trees contiguous to the Mohawk river Woodcreek and such other streams through which they may carry their improvements in the navigation to the distance of two rods from the banks of such river and streams respectively and also to draw out and lay upon the shores of the same river and streams such of the timber fallen in the same as may obstruct the navigation thereof and as when raised from the beds of those streams will not float down the same and further to burn or destroy the timber so cut down or drawn out unless the proprietors of such timber shall notify to the agent of the said company concerned in such operations a request that the same may not be so destroyed. And in case the said company or any of their officers or agents shall be sued or impleaded for any proceedings had by virtue of the foregoing clause it shall and may be lawful for such company or agent to plead the general issue and thereupon give in evidence this act which shall be deemed and adjudged a full justification for such proceedings.

Seventh section of act named amended.

*And be it further enacted* That so much of the seventh section of an act entitled An act for establishing and opening lock navigations within this State as provides for the assessment of damages to any owner or proprietor of land therein mentioned by writ in nature of a writ of adquod damnum shall be and is hereby repealed and in place thereof it shall be the duty of the respective corporations created by the said recited act previously to any appraisement as herein after provided to cause a survey and map to be made of the ground in their estimation requisite and which they may be by law authorised to appropriate for the uses specified in the said recited act and the acts amending the same in the field book of which survey and map shall be distinguished the land of each of the several owners and occupants appropriated or intended to be appropriated as aforesaid and the quantity thereof and shall exhibit such field book and map to the justices of the supreme court or any two of them and if such justices shall be of opinion that the land so surveyed is not more than what is requisite for the said uses and may be lawful for the said respective corporations to appropriate they shall certify such field book and map under their hands and seals and cause the same to be filed in the office of the clerk of the county in which the same lands or the greater part thereof may be situated there to remain as a public record and it shall thereupon be lawful for the said justices by a writing under their hands and seals to appoint not less than three nor more than five discreet persons none of whom shall be interested in such corporation

or the lands so surveyed as aforesaid to appraise the premises specified in such field book. And it shall be the duty of the appraisers or a majority of such as shall be appointed to examine the land of each owner or occupant so appropriated and to ascertain the value thereof and the damages each may sustain by such appropriation and to make a regular entry of such valuation and assessment of damages in a book to be by them kept for that purpose and certify the same under oath to be a true fair and impartial valuation and assessment to the best of their belief and shall thereupon cause such book the execution of the said certificate being first duly proven or acknowledged to be filed in the office of such clerk as aforesaid there to remain as a public record And the said corporation and their successors upon paying to the several owners the sums of money so assessed as aforesaid together with the costs of appraisement shall immediately be vested with the fee simple of the lands and tenements mentioned and specified in such field book filed in the office aforesaid.

## CHAP. 102.

### AN ACT concerning the bridge over the Mohawk river below the Cahoes Falls.

PASSED the 6th of April, 1798.

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That Jacobus Van Schoonhoven Enoch Leonard and Garret Groesbeck be and hereby are appointed commissioners, with full powers to demise and lease the bridge over the Mohawk river below the Cahoes falls to such person or persons as shall agree for the same upon such conditions and for such a term of time not exceeding twenty five years as the said commissioners or any two of them shall deem proper; and that it shall be lawful for the said lessee or lessee's to demand and receive to his or their own use from all manner of persons passing over the said bridge the same rates of toll which have been heretofore established by law: *Provided always* that the said lessee or lessee's, his or their heirs, executors, administrators or assigns shall with all convenient speed well and sufficiently repair the said bridge; and shall keep the same in good and sufficient repair during the said term.

Lease of  
bridge  
over Mo-  
hawk river  
at Cohoes.

*And be it further enacted* That it shall be lawful for the said commissioners or any two of them to execute such lease as aforesaid, and to exact from the lessee or lessees such security as the said commissioners or any two of them shall deem necessary for the due performance of his or their covenants and agreements to be inserted in the said lease; and further that it shall be the duty of the said commissioners or any two of them from time to time to inspect and determine upon the sufficiency of the repairs that shall or may be made to the said bridge by the said lessee or lessee's their executors administrators or assigns.

Security  
from les-  
see.

*And be it further enacted* That the act entitled "An act to amend the act entitled An act making provision to keep in repair the bridge over the Mohawk river below the Cahose falls, and the several clauses thereby repealed, be and the same are hereby repealed. And in case the said commissioners or a majority of them shall at any time find

Act rectified  
repealed.

the said bridge insufficient and out of repair and so continued for thirty days after due notice, the lease hereby to be given shall be deemed forfeited, and the said commissioners or a majority of them shall take possession of the said bridge and the tolls thereof as though the said lease had never been made.

## CHAP. 103.

AN ACT to incorporate the Northern Missionary Society, in the State of New York.

PASSED the 6th of April, 1798.

Preamble.

WHEREAS John B. Smith and certain other persons have formed themselves into a society by the name and stile of the Northern Missionary Society in the State of New York for the purpose of propagating the gospel among the Indian tribes and in those frontier places of our country which are destitute of gospel ordinances and the advantages resulting therefrom, and have by their petition to the legislature prayed to be incorporated in order the better to promote the above laudable purpose —

Northern  
Missionary  
Society in-  
corporated.

*Therefore Be it enacted by the People of the State of New York represented in Senate and Assembly* That all such persons as now are or hereafter may become members of the said society shall be and hereby are ordained constituted and appointed a body politic and corporate, in fact and in name by the name of the Northern Missionary Society in the State of New York. And that by that name they and their successors shall and may forever hereafter have continual succession and shall be persons in law capable of suing and being sued, pleading and being impleaded in all courts and places, whatsoever in all manner of action and actions suits matters complaints and causes whatsoever. And that they and their successors may have a common seal and may change and alter the same at their pleasure — and also that they and their successors by the name of the Northern Missionary Society in the State of New York shall be in law capable of purchasing, holding and conveying any estate real or personal for the use of the said society — *Provided always* that such real and personal estate shall not at any time exceed the annual value of fifteen hundred dollars —

Officers to  
be chosen.

II. *And be it further enacted* That for the better carrying into execution the objects of the said society there shall be a president, vice president twenty four directors a secretary treasurer and clerk, who shall hold their offices for one year or until others are chosen in their room, and shall be elected on the first Thursday in February in every year or at such other time and at such place as the corporation shall from time to time appoint. And that every such election shall be by ballot by a majority of the members present at every such meeting. And that in case any vacancies should happen in either of the said offices by death resignation or otherwise such vacancies shall and may be filled up, for the remainder of the year in which they shall happen, by a special election for that purpose to be held in the same manner as the annual elections are made and at such places and times as shall be appointed by the bye laws of the said corporation —

First offi-  
cers.

*And be it further enacted* That John B. Smith shall be the first president and James Proudfit the first vice president of the said so-

ciety, John Close, Samuel Smith, Isaac Labaugh, John B. Johnson William McCauley, James Mairs John Dunlap, Alexander Proudfit, James Gordon, Abraham Eights, Isaac Hutton Jacob D. Vanderheyden, Abraham Outhoudt, William Bell, Christian Miller, Abraham Hun John Demorest, Cornelius Van Vechten, John Bassett, Elijah Janes Cornelius B. Wyckoff and Dirck Romeyne the first directors Jonas Coe the first secretary, John B. Johnson, the first clerk and Elbert Willet the first treasurer thereof, who shall hold their offices respectively until the first Thursday in February next or until others shall be chosen in their room —

*And be it further enacted* That at every ordinary or extraordinary meeting of the society when twelve members are met they shall have power to adjourn from time to time and when fifteen are met they shall have full power to do and transact all the business thereof —

*And be it further enacted* That the said corporation and their successors shall have full power to make constitute ordain and establish such bye laws, rules ordinances and regulations as they from time to time shall judge proper for the election of their officers, for the election or admission of new members of the said corporation and the terms and manner of admission and the sums that shall be paid yearly, by the members of the said society. *Provided always* that such sum shall not exceed the sum of two dollars yearly and every year, and also for the management and disposition of their stock, property estate and effects for the purposes of carrying into effect the objects of this society, and for fixing the times and places of the meetings of the said society, and touching the duties and conduct of the officers of the said corporation, and all such other matters as appertain to the business end and purposes for which the said corporation is by this act constituted, and for no other purposes whatsoever — *Provided always* that no regulation shall be made in any wise to control the religious principles\* or affect the rights of conscience of any person whatsoever *and provided further* that such bye laws rules and regulations be not repugnant to the Constitution and laws of the United States or of this State.

Rules and regulations: members.

*And be it further enacted* That this act be and hereby is declared to be a public act and that the same be construed in all courts and places favorably for every purpose therein intended —

How act construed.

## CHAP. 104.

### AN ACT regulating the future meetings of the legislature.

PASSED the 6th of April, 1798.

*Be it enacted by the People of the State of New York represented in Senate and Assembly*, That in case the person administering the government of this State for the time being, shall not on or after the first Monday of July and before the last Tuesday in January in any year, convene the legislature by proclamation, then the legislature shall meet on the said last Tuesday of January without any summons or notification whatsoever at such place as the senate and assembly at their meeting next preceding the said last Tuesday of January shall

Meetings of the legislature, when to be held.

\* So in original.

have adjourned to. And in case there shall have been no such adjournment, or the senate and assembly shall not have adjourned to a place certain, then they shall convene on the said last Tuesday of January then next at the city of Albany.

Part of act  
recited re-  
pealed.

*And be it further enacted* That the eighth section of the act entitled "An act erecting a public building in the county of Albany and for other purposes therein mentioned" shall be and hereby is repealed.

## CHAP. 105.

### AN ACT relative to the estates of lunatics and idiots.

PASSED the 6th of April, 1798.

Inventory  
of estate  
of lunatics  
and idiots.

*Be it enacted by the People of the State of New York represented in Senate and Assembly*, That every committee of the estate of any lunatic or idiot heretofore appointed, and now in the exercise of said trust, shall, within six months after the passing of this act, and every such committee hereafter to be appointed, shall, within six months after such appointment, file in the office of the register of the court of chancery, an inventory of the whole real and personal estate, and of the income and profits, and of the debts and credits of such lunatic or idiot; and shall make oath of the truth of such inventory, which oath any judge of any court of common pleas, any master in chancery, or the said register, is hereby authorized to administer.

Specific  
perform-  
ance of  
contracts.

*And be it further enacted*, That the chancellor shall have power to direct and compel a specific performance of any bargain, contract or agreement, which may have been made by any lunatic, while in sound mind, to the like effect, as if he had continued sane.

Sale of real  
estate.

*And be it further enacted*, That when the personal estate of any idiot or lunatic shall not be sufficient for the discharge of his debts, it shall be the duty of the committee for the estate of such lunatic, to present a petition to the chancellor, setting forth the particulars, and amount of the estate real and personal, of such lunatic or idiot, and of the debts by him owing; and if it shall appear to the chancellor, that the personal estate of such lunatic, is insufficient for the payment of his debts; he shall direct a sale of so much, and such part of the real estate of such lunatic or idiot, as he may think necessary, for the discharge of his debts; and that whenever the rents, profits and income of the estate of any lunatic or idiot shall be insufficient for the maintenance of his family, and education of his children, it shall be lawful for the chancellor, upon like petition and if upon the whole matter, he shall think it most beneficial, to direct a sale of the whole real estate of the said lunatic or idiot, or of so much, and such part thereof, as the said chancellor shall deem proper, and to direct how the proceeds of such sale shall be secured, and the income or produce thereof appropriated.

How sale  
to be con-  
ducted.

*And be it further enacted*, That it shall be lawful for the chancellor, if he shall see cause, to join one or more persons with the said committee for the purpose of conducting such sales; and to give such orders and directions respecting the time and manner thereof, as to him shall seem proper.

Partition  
of estates.

*And be it further enacted*, That in case any lunatic or idiot shall hold any estate real or personal in common with any other person or

persons and the interest of such lunatic or idiot shall require a division or partition of such estate then it shall be lawful for the said committee by and with the consent and approbation of the chancellor to agree to a partition of such estate, and thereupon to execute deeds or releases of the right of such lunatic or idiot to the part or parts falling to the share of the other tenants in common; which deeds or releases shall be valid in the law to all intents and purposes to convey the share and part of such lunatic and idiot: *Provided always* that no deed shall be executed by any such committee by virtue of this act until after a report shall be made to the chancellor of such sale or partition and the same be approved of by him.

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## CHAP. 106.

AN ACT for the relief of the trustees of the First Presbyterian Congregation adhering to the Associate Reform Synod, in Salem in the County of Washington.

PASSED the 6th of April, 1798.

**Preamble.**  
**WHEREAS** the trustees of the First Presbyterian Congregation adhering to the Associate Reformed Synod, in Salem in the county of Washington have by their petition represented to the legislature that Oliver Delancey and Peter Dubois in the year one thousand seven hundred and seventy two, conveyed three lots of land containing in the whole two hundred and sixty four acres, to trustees for the benefit of the said congregation, that in consequence of the attainder of the said Oliver, one moiety of the said land was located by Alexander I. Turner and conveyed to him by the surveyor general on the third day of October one thousand seven hundred and ninety three for the sum of seventy four pounds thirteen shillings and ten pence, which said moiety the said Alexander I. Turner conveyed to John Williams, and that the said trustees in order to keep their possession were under the necessity of purchasing of the said John Williams and for the said moiety of land paid him the said John Williams the consideration money aforesaid, the trustees therefore pray the legislature to direct the consideration money aforesaid to be repaid to them. Therefore

**Be it enacted by the People of the State of New York represented in Senate and Assembly,** That the treasurer of this State pay on the warrant of the comptroller to the said trustees one hundred and eighty six dollars and seventy three cents. **Appropriation.**

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## CHAP. 107.

AN ACT for the relief of the representatives of Hannah Armstrong deceased, and for other purposes therein mentioned.

PASSED the 6th of April, 1798.

**Be it enacted by the People of the State of New York represented in Senate and Assembly** That the treasurer do pay on the order of the comptroller out of any monies which may remain unappropriated on **Appropriation to children of Hannah Armstrong.**



the first day of August next to Rachel Cheesman, John Armstrong Jur. and William Armstrong children of Hannah Armstrong deceased the sum of six hundred and eighty dollars with interest from the first day of January 1786.

Id., to  
Anne Claus  
and others.

*And be it further enacted* That the treasurer of this State shall and is hereby directed on the warrants of the comptroller to pay to Anne Claus and to Catharine Young which said Anne is the widow of Daniel Claus deceased and which said Catharine is the widow of Frederick Young deceased whose estate became forfeited to the people of this State to the said Anne Claus the sum of one thousand four hundred and nine dollars and fifty eight cents and to the said Catharine Young five hundred and forty two dollars and seventy five cents for their respective rights of dower in the lands and tenements whereof their said husbands were respectively seised within this State upon their respectively executing and delivering to the said comptroller a release of their respective right of dowers of and in the said lands and tenements so situate in this State to the people of this State and to the persons respectively holding the same.

Id., rent of  
governor's  
house.

*And be it further enacted* That the treasurer shall pay to the order of his excellency the Governor of this State on the warrant of the comptroller the sum due and to become due for the rent of the house in which he lives in the city of Albany together with the amount of the taxes paid or to be paid in the present year for the same house.

*Whereas* Samuel Springer on the seventeenth day of February in the year of our lord one thousand seven hundred and eighty two purchased of the commissioners to procure a sum in specie for the western and eastern districts a tract of five hundred acres of land called lot number one of the Sacandaga patent for the consideration of three hundred and seventy five pounds, and whereas three hundred and two acres and an half, part of the said five hundred acres is found by the actual survey to be covered by lands granted to Volckert Veeder by letters patent by the commissioners of the land office and that the said three hundred and two acres and an half were not forfeited to the people of this State. Therefore

Id., to  
Samuel  
Stringer.

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That the treasurer pay unto the said Samuel Stringer the sum of five hundred and sixty seven dollars and eighteen cents being the sum advanced by him for the said three hundred and two acres and an half together with the interest at five per cent from the said seventeenth day of February in the year aforesaid, out of any monies in the treasury not otherwise appropriated provided the said Samuel Springer shall execute a release to the people of this State of all his right title interest and estate to or in the said three hundred and two acres and an half of land part of the said five hundred acres and deliver the same release to the treasurer to be deposited in the secretaries office.

House in  
New York  
to be  
leased.

*And be it further enacted* That the comptroller is hereby directed and required to lease from year to year until other legislative provision be made in the premises upon the best terms he can get for the same the house belonging to the people of this State called the government house situate in the city of New York with its appurtenances.

## CHAP. 108.

AN ACT relative to judgments and bail in the supreme court of judicature of this State.

PASSED the 6th of April, 1798.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the clerks of the supreme court shall respectively cause the dockets of all judgments docketed on or since the twenty second day of April last and up to the first day of the next July term of said court remaining in their respective offices to be transcribed which transcript shall be certified by the clerk in whose office it shall be made to be a true copy of the original docket in his office and that each clerk shall deliver to the other the said transcript on or before the last day of the said July term and that it shall be the duty of the said clerks respectively to enter the said transcripts into a book to be provided for that purpose by each of them and that the said clerks shall respectively after the said July term deliver each to the other on or before the last day of every term at the place where the said supreme court shall be then held a like transcript of the docket of all judgments that shall have been docketed in his office as aforesaid during the preceeding term and vacation and before the first day of the term in which such transcript shall be delivered which transcript shall be entered in the aforesaid book in the office of the clerk receiving the same as part of the docket of judgments and that each clerk of the said court for docketing every judgment after the passing of this act shall instead of the fee now allowed for docketing receive twenty five cents for each judgment to be by him docketed that all bail pieces in the supreme court taken by a judge of the said court or by any other person authorised to take bail in said court instead of being filed with one of the judges of the said court shall within fourteen days after taking of the same be filed in the office of one of the clerks of the said supreme court, any law or custom to the contrary notwithstanding.

Transcripts of judgments in the supreme court.

*And be it further enacted* That it shall be lawful for the defendant in any action in the supreme court to surrender himself or for his bail or manucaptor to surrender him before a judge of the court of common pleas for the county where the defendant shall or may be found and the judge before whom the surrender shall be made shall thereupon by a committitur to be endorsed on a copy of the bail piece commit the defendant to the goal of the county accordingly and the sheriff shall also endorse on the said copy of the bail piece a receipt purporting that the defendant hath been delivered to and received by him by virtue of such committitur and which copy of the bail piece the receipt of the sheriff therein being first acknowledged by him or proved by a subscribing witness thereto before the judge who shall so commit the defendant or before a judge of the supreme court or a commissioner for taking affidavits to be read in the said court being filed in the office of one of the clerks of the said court, that then a judge of the said supreme court may make an order for the attorney for the plaintiff, to appear and shew cause why an exoneretur should not be endorsed on the original bail piece and further proceed therein as if the surrender had been made before a judge of the said supreme court.

Surrender of defendant on bail.

Money  
paid into  
court.

*And be it further enacted* That all monies which may be directed to be deposited in the court of chancery or court of probates or which may arise from sales by order of either of the said courts and which shall be ordered to be brought into court shall be paid into the banks of New York or Albany subject to be drawn out by the order or decree of the said courts respectively and not otherwise, and that no fee or commission shall be allowed to any officer of the said courts on money which may be so paid, deposited or withdrawn and that all monies which shall at the passing of this act remain in either of the said courts shall be forthwith deposited in the said banks or either of them subject to be drawn out as aforesaid.

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## CHAP. 109.

### AN ACT for the relief of Ebenezer Mott.

PASSED the 6th of April, 1798.

Preamble.

WHEREAS it doth appear that Ebenezer Mott by virtue of an act entitled "An act for raising troops to complete the line of this State in the service of the United States, and the two regiments to be raised on bounties of unappropriated lands, and for the further defence of the frontiers of this State" passed the twenty third day of March one thousand seven hundred and eighty two, became entitled to a bounty of two hundred acres of land, and has not received the benefits intended in and by the said act: Therefore

Grant of  
lands to  
Ebenezer  
Mott.

*Be it enacted by the People of the State of New York represented in Senate and Assembly*, That it shall and may be lawful to and for the commissioners of the land office and they are hereby required to grant unto the said Ebenezer Mott two hundred acres of land out of any of the unappropriated lands belonging to the people of this State situated in the eastern district thereof and not reserved for public uses the same to be previously surveyed at the expense of the said Ebenezer Mott.

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## CHAP. 110.

### AN ACT to authorize the raising a sum of money to repair the court house and goal in the county of Columbia.

PASSED the 6th of April, 1798.

Tax levy  
for repairs  
to court-  
house and  
jail.

*Be it enacted by the People of the State of New York represented in Senate and Assembly* that the supervisors of the several towns in the county of Columbia for the time being, be and they are hereby authorized and required to direct to be raised and levied on the freeholders and inhabitants of the said county a sum of four hundred dollars together with an additional sum of five cents on the dollar for collecting the same, and one cent on each dollar for treasurers fees, to be raised levied and collected as other contingent charges of the county are raised levied and collected, and paid over to the treasurer of the said county on or before the first Tuesday in February next, and the treasurer of said county shall pay over such money as soon as the same

shall come into his hands to any person or persons when the said supervisors or a major part of them shall direct for the purposes\* aforesaid.

*And be it further enacted*, That it shall be lawful for the treasurer to retain in his hands the sum of one cent on each dollar he shall receive, as a compensation to him for his trouble in receiving and paying over said monies. Fees of treasurer.

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## CHAP. 111.

### AN ACT concerning the circuit courts, and the courts of oyer and terminer and gaol delivery.

PASSED the 6th of April, 1798.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly*, That the justices of the supreme court shall permanently appoint the times for holding the circuit courts, but they may nevertheless alter the same from time to time as they shall judge most for the public convenience; *provided* that no alteration shall take effect, until at least one term of the supreme court shall have intervened between the term when the alteration shall have been made and the time when the first circuit court, to be held according thereto, shall be held; *and provided further*, that no such circuit court shall be appointed as aforesaid, to be holden in any county at the same time that any other court shall by appointment of law be holden in the same county, the city and county of New York excepted. And that the clerks of the supreme court shall forthwith from time to time, cause every rule or order of the supreme court, appointing the times for holding the circuit courts or for altering the same, as the case may be, to be published in at least two of the news papers printed in the cities of New York and Albany. Circuit courts, terms of.

*And be it further enacted*, That if it shall happen in any county, that one of the justices of the supreme court shall not come to the place where the circuit court is appointed to be held, by the hour of six in the afternoon of the day for holding the court, the sheriff shall then open, and shall adjourn the circuit court, and also the court of oyer and terminer and gaol delivery which shall be to be held at the same time and place, until the hour of nine in the forenoon of the next day, and if one of the justices of the supreme court shall come to the place at any time before the hour of six in the afternoon of that day, it shall be lawful for him in respect to the circuit court, and for a quorum of the commissioners in respect to the court of oyer and terminer and gaol delivery, to open the said courts and to hold the same in like manner and to every intent as if the said courts had respectively been duly opened on the first day and adjourned to the next day by the said justice, or by a quorum of the commissioners, and the proceedings on the record may be in the same form as if the said justice, and the said quorum of the commissioners had been present and opened the said courts on the first day. If however a justice of the supreme court shall not so come on the second day, all persons bound by recognizance to appear at the court of oyer and terminer and gaol delivery shall be adjudged to be bound by such recognizance to appear at the next court of oyer and terminer and gaol delivery, which shall be held thereafter, notwithstanding such opening of the said court and Adjournment of court when justice fails to appear.

the adjournment of the same by the sheriff as above mentioned. *And further also*, that whenever such case shall happen, the justices of the supreme court, shall in the next term thereafter, appoint a circuit court to be held in every such county in the ensuing vacation.

When pre-  
cept  
tested.

*And be it further enacted*, That a precept for holding a court of oyer and terminer and gaol delivery, may be tested on the first day of the term preceding the vacation, in which the court is to be held.

## CHAP. 112.

### AN ACT to cede the jurisdiction of certain lands in this State to the United States.

PASSED the 6th of April, 1798.

Preamble.

**WHEREAS** the Congress of the United States have passed a law authorizing the erection of a light house on Eatons Neck near Huntington bay on Long Island on condition of a cession on the part of this State to the United States of the jurisdiction of such tract as may be deemed sufficient and proper for that purpose by the president of the United States. Therefore.

Jurisdic-  
tion of cer-  
tain lands  
ceded to  
the United  
States.

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That as soon as the president of the United States shall cause a certificate under his hand and seal to be filed in the office of the secretary of this State, describing the situation and quantity of land he may have chosen for the purpose aforesaid not exceeding ten acres and certifying that the same are purchased of the present proprietor thereof the jurisdiction of the said land so described shall thereupon be vested in the United States *provided nevertheless* that such cession shall not be construed to extend to prevent the execution of any process civil or criminal issuing under the authority of this State and the lands so described and ceded shall be and hereby are forever hereafter exonerated and discharged from any taxes to be laid under the authority of this State.

Id.; lands  
on Staten  
Island.

*And be it further enacted* That the person administering the government of this State the lieutenant governor the chancellor the chief justice of the supreme court and the mayor of the city of New York for the time being be and hereby are appointed commissioners with full powers to them or any three of them whereof the person administering the government for the time being shall always be one in their discretion as they shall judge the safety and defence of the city and port of New York to require, and in such manner and form as they shall judge necessary and proper to declare the consent of the legislature of this State that such parcels of land on Staten Island and on the several other islands in and about the harbour of New York as they shall judge necessary for the purposes aforesaid shall be subject to the jurisdiction of the United States and thereupon the jurisdiction of said lands shall be vested in the United States *provided however* that such session shall not be deemed to extend to prevent the execution of any process civil or criminal under the authority of this State.

Descrip-  
tion of  
lands.

*And be it further enacted* That such declaration of the consent of the legislature of this State shall explicitly define by accurate metes and bounds the situation of the land the jurisdiction whereof shall be ceded in virtue of the preceding section of this act which description shall be filed in the secretaries office of this State.

# L A W S

OF THE

## STATE OF NEW YORK.

PASSED AT THE

TWENTY-SECOND SESSION, FIRST MEETING, OF THE LEGISLATURE.

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### CHAP. 1.

**AN ACT** authorizing the arrest of ships or vessels for debts contracted by the master, owner or consignee, for and on account of such ships or vessels in this State.

PASSED the 10th of August, 1798.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That ships or vessels of all descriptions, built, repaired or equipped in this State, and owned by any person or persons not resident therein shall be liable for all debts contracted, by the master or commander, owner or consignee thereof, on account of any work done, or any supplies or materials furnished, by any mechanic, tradesman, or others, for on account or towards, the building, repairing fitting, furnishing or equipping such ships or vessels, and that debts so contracted shall be a lien upon such ships or vessels, their tackle apparel and furniture, and shall have preference to any and all other debts due and owing from the owner thereof, except, mariners wages.

Lien  
against  
foreign  
ships for  
repairs.

*And be it further enacted* That any person or persons, whose demands for materials furnished or labour done for any such ship or vessel, amount to one hundred dollars may apply to the judge or justice of any court of record, within this State, having cognizance thereof, where such ship or vessel owned as aforesaid then actually is, or where such work shall have been done, or supplies furnished and on requisition of the said party or parties, after he or they shall have made oath or affirmation to their account, which shall be left with the said

Attach-  
ments  
against  
vessels.

judge or justice—it shall be lawful for the said judge or justice to issue his warrant directed to the sheriff of the city or county, commanding him to attach, seize, and safely keep such ship or vessel, her tackle apparel and furniture.

Proceed-  
ings on re-  
turn of at-  
tachments.

*And be it further enacted,* That upon the return of such attachment, the plaintiffs may join in a declaration against the said ship or vessel setting forth briefly their demands, and alledging work to have been done, and the articles to have been furnished, at the request of the owner, master or consignee, as the case really was and averring demand, and refusal of such owner, master or consignee—to which declaration shall be annexed the accounts of the respective plaintiffs, and it shall be lawful for the court in which such action shall be brought, after judgment by default, or issue joined, to refer the said demands and accounts to three indifferent persons, to be named by the said court—and the same proceedings shall be had in regard to such reference, and such further proceedings, as is provided by the second third and fourth sections of the act entitled “An act for the amendment of the law, and the better advancement of justice” passed the 27th of February 1788.

Bonds to  
release  
ships.

*And be it further enacted* That if the master, owner or consignee of such ship or vessel, shall before final judgment is entered, appear before one of the judges or justices of the said court, and enter into bonds with such sureties as in the opinion of the said judge or justice will be sufficient to answer and satisfy all the demands which shall then be actually exhibited against such ship or vessel or discharge the same, and pay the costs of suit, then the said ship or vessel, shall be discharged from the attachment, and be permitted to proceed on her voyage.

When lien  
to cease.

*And be it further enacted,* That the said lien shall cease immediately after such ship or vessel shall have left this State.

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## CHAP. 2.

### AN ACT declaring certain streams therein named to be public highways.

PASSED the 10th of August, 1798.

Certain  
streams de-  
clared pub-  
lic high-  
ways.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the rivers formed by the outlets of Canadarqua, Seneca Otsego and Cayuga lakes, and as much of the outlet of the Crooked lake as is contained between the Seneca lake and the lowest mill seat on the said outlet and the rivers formed by the outlets of the Owasco and Skaneateles lakes, from their respective junctions with the Seneca river to the first falls in each of the said rivers; and the Nine Mile creek so called, from its entrance into the Salt lake to the north line of the town of Marcellus in the county of Onondaga; and the outlet of the said Salt lake; and the inlet thereof from the head of the said lake, until the south line of the Onondaga reservation; and the Canaseraga and Chittenango creeks; and the two branches of the said Chittenango creek, known by the names of the Limestone and Butternut creeks, until the first falls on each of the same; and the Genesee river from the great falls therein until its junction with the

Canaseraga creek; and the said creek from its said junction to the southern boundary of township number seven in the seventh range in the county of Ontario; and Mud creek from the eastern boundary of township number twelve in the third range of townships in the said county of Ontario to its junction with the outlet of the Canadarqua lake; and the rivers Conhocton and Canisteo, the former from the mills built thereon adjoining the town of Bath, and the latter from a place known by the name of the Big Marsh, to their respective junctions with the river of Tioga; and as much of the said river Tioga as is contained within this State; and the west branch of the Chenango river from the north bounds of the town of Virgil as originally surveyed, to its junction with the east branch thereof, and thence down the same to its junction with the Susquehannah river, be and they are hereby declared to be, public highways.

*And be it further enacted* That if any person or persons shall after the passing of this act, dam up, or obstruct or impede the navigation of any of the before described waters by erecting or building of a mill or mills, or a wier or wiers, or by the building or erecting thereon any other works, or by cutting or falling wood or timber in the same, that every person so offending, shall forfeit for each offence, the sum of twenty five dollars, to be recovered with costs of suit, by and for the use of any person or persons who will sue for the same in any court having cognizance thereof, and the person or persons so offending shall moreover be deemed guilty of a misdemeanor and be prosecuted accordingly by indictment or otherwise. *Provided nevertheless*, that if any person or persons erecting or building a mill or mills or other works on either of the above described streams, shall cut or dig a sufficient canal or canals, so that the navigation of the same be not injured by means of such works, that the said person or persons shall not be liable to any of the penalties of this act. *And provided also*, that nothing in this act contained shall be construed to extend to or affect any mill or mills, or any dam for the use thereof, that may have been erected, or the building thereof commenced on any of the said streams before the passing of this act.

Penalty for  
obstruct-  
ing  
streams.

## CHAP. 3.

AN ACT to preserve and support the jurisdiction of this State.

PASSED the 10th of August, 1798.

**WHEREAS** evil minded persons, under pretence of authority derived from other States, or from the general government of the United-States to serve process within the State or district of New-York have excited disturbances among the peaceful citizens thereof: *And whereas* much mischief is apprehended from such practices, by means that our citizens are called out of their proper jurisdiction to answer to such illegal processes and may be much harrassed in defending the same: *And whereas* the entire jurisdiction of this State ought to be preserved and respected: Therefore

Preamble.

*Be it enacted by the People of the State of New York represented in Senate and Assembly*, That any person not appointed under the authority of the United States or this State, to execute process within the State or district of New York, nor being an inhabitant thereof,

Illegal ser-  
vice of  
writs.



who shall presume to come within the same, under pretence of any authority whatever, to serve or execute any writ, or process against any citizen of this State, or against the goods, and chattels, lands or tenements of any citizen as aforesaid, shall be deemed and adjudged guilty of a high misdemeanour, and being thereof duly convicted, shall be sentenced to imprisonment, in the State prison of this State for the term of seven years, and be confined in the same to hard labour, or solitude or both, at the discretion of the court before whom the conviction shall be had. *Provided* that nothing in this act shall extend to any person who shall serve a process, to compel the attendance of any witness before either house of Congress, or before any court of the United States.

Judgments  
invalid on  
writs ille-  
gally  
served.

*And be it further enacted* That all judgments and decrees, passed or rendered in pursuance of such writ or process, or notice served, or to be served, by whatever name the same may be called, shall be deemed and adjudged null and void to all intents and purposes. And the better to bring to condign punishment any person, who may offend in the premises.

Arrest of  
offenders.

*Be it further enacted*, That it shall be the duty, of all sheriffs, constables and magistrates within this State, to cause to be apprehended all offenders against this act:— And if any person, a citizen of this State, shall cause to be taken, and apprehended any such offender, so that he may be brought to proper punishment, such person shall be entitled to receive, five hundred dollars from the treasury of this State.

## CHAP. 4.

**AN ACT** to amend the act entitled “An act to regulate the returning and impannelling of jurors for the trial of issues,” and for other purposes.

PASSED the 24th of August, 1798.

Preamble.

WHEREAS the act entitled “An act to regulate the returning and impaneling of jurors for the trial of issues” passed at the last session of the legislature, was not distributed in season to admit of carrying the same into effect within the time thereby limited, in several of the counties of this State, whence great inconveniences and delay have ensued: For remedy whereof

Time ex-  
tended for  
return of  
jury lists.

*Be it enacted by the People of the State of New York represented in Senate and Assembly*, That the time limited in the act hereby amended, for the supervisor, town clerk and assessors of each of the towns in this State, to make and transmit to the clerks of the several counties within this State, lists in writing of the names of all persons residing within their respective towns, qualified and competent to serve as jurors for the trial of issues, shall be and is hereby extended to the first day of December next; and that in the mean time, all jurors for the trial of issues, in the several counties wherein the said act hath not been, or may not sooner be carried into operation, may be selected and summoned, as they were before the passing of the act hereby amended, and that this act and the said act hereby amended shall extend to the supreme court & sittings:

Penalties  
remitted.

*And be it further enacted* That all penalties heretofore incurred by any supervisor, town clerk or assessors, under the act hereby amended, shall be and hereby are remitted.

*And be it further enacted* That in all cases where the sheriff or other officer shall not be able, to summon personally any person designated as a juror for the trial of issues, by reason of absence from home, a summons in writing left at the usual abode of such person, within the time prescribed (with some person of suitable age and discretion) shall be deemed a sufficient notification; and that in all cases of a summons of a juror in writing as aforesaid, the court shall suspend the imposing a fine for his non-attendance until the next term or sessions of such court, to the end, that such juror may have time to make it appear to such court, that he was absent from home at the time such summons was left at his place of abode, and did not return in season to attend at the said court, and to the end, that such defaulting jurors may have such notice, the clerks of the several counties shall forthwith transmit to the sheriff of the county, a list of the names of such defaulting jurors, who shall without delay, notify such jurors of their respective defaults and liability to a fine on that account.

Summon-  
ing of  
jurors.

*And be it further enacted* That the fees of the sheriff and coroners in the county of Ulster, for the service of writs, shall hereafter be computed from the court house in the town of Kingston in the said county, any law to the contrary notwithstanding.

Fees in  
Ulster  
county.

*And be it further enacted* That it shall be lawful for the surveyor general, to sell the lands directed to be sold by the act entitled "An act for the sale of certain lands in the Oneida reservation in lots containing not less than one hundred and fifty acres, and not more than two hundred and fifty acres, each, instead of lots of two hundred and fifty acres each, as by the said act is directed.

Sale of cer-  
tain lands.

## CHAP. 5.

AN ACT for the further defence of this State and for other purposes.

PASSED the 27th of August, 1798.

WHEREAS the fortifications already constructed in the city of New York and its vicinity, are still greatly inadequate to the defence of the said city and its port; and whereas experience has fully evinced that the possession of said city and port by an enemy, will be highly injurious to the citizens of this State, even in the most interior parts thereof: To guard against evils of such extensive magnitude, and to co-operate with, and in aid of the government of the United States; and in full confidence that this State will be allowed and indemnified by the United States, for all expences which may accrue by reason of the premises: Therefore

Preamble.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That a sum not exceeding one hundred and fifty thousand dollars be and the same is hereby appropriated, for the purposes of repairing and completing such fortifications, as have already been erected and constructed in the said city and its vicinity, and for constructing and erecting such other fortifications, at such place or places, upon the Island of New York, Governor's Island, Bedlows Island, Ellicess or Oyster Island and Long Island, and for providing such other means of defence, for the security of the said city and port of New York, as the person administering the government of this State for the time

Appropriation for  
fortifica-  
tions.

being, shall or may deem best adapted to the security and defence of the same, *and provided* that the said sum shall be expended under the direction of the President of the United States.

Id., for  
arms and  
military  
stores.

*And be it further enacted*, That there be appropriated a sum not exceeding one hundred and sixty five thousand dollars for the purchase of a further quantity of arms, and to provide ammunition for the use of the militia of this State; to mount and equip the cannon belonging to this State, to purchase military stores, and for building an arsenal or arsenals in such parts of this State, as the person administering the government of this State for the time being, shall order and direct. That the person administering the government of this State for the time being do cause the said arsenal or arsenals to be built and the said purchases to be made, in such manner and on such terms as to him shall seem most conducive to the interest of this State.

Distribu-  
tion of  
arms, etc.

*And be it further enacted*, That the arms, ammunition, cannon and military stores, now belonging to the people of this State, and such as may be purchased by virtue of this act, shall be distributed or deposited in such place or places, as the person administering the government of this State shall from time to time direct.

Agents to  
be em-  
ployed.

*And be it further enacted*, That it shall and may be lawful to and for the person administering the government of this State for the time being to employ such agent or agents, as he may deem proper to superintend the works intended to be repaired erected and constructed in conformity to this act, and to purchase the requisite materials and military stores herein before provided for.

Payment  
of moneys  
appropri-  
ated.

*And be it further enacted*, That the comptroller of this State shall on the order of the person administering the government of this State for the time being, draw his warrant on the treasurer of this State, for the payment of the aforesaid several sums of money hereby appropriated, or for such part thereof, as may from time to time be requested or directed for the purposes aforesaid by the person administering the government of this State; and to said comptroller shall audit the accounts of the expences and disbursements which may accrue by reason of the premises, and shall annually lay the same before the legislature at their stated meetings.

Moneys to  
be bor-  
rowed by  
governor.

*And be it further enacted* That it shall and may be lawful to and for the person administering the government of this State for the time being, to borrow from the Bank of New York, or from any other bank within this State or from any individual or individuals the several sums of money hereby appropriated, or such proportions or part thereof, as may be deemed necessary for carrying into effect the objects of this act, and the faith of the State is hereby pledged for the re-imbursement thereof —

Id., by  
comptrol-  
ler.

*And be it further enacted* That the comptroller be and he is hereby directed to borrow from the Bank of New York, the Bank of Albany or any person or persons, such sums as may be sufficient to compensate the members and officers of both houses of the legislature for their travelling and attendance at the present meeting of the legislature as is allowed by law; and to repay the same out of any money that may come into the treasury after the passing of this act, not otherwise appropriated —

Contingent  
military  
expenses.

*And be it further enacted*, That it shall be lawful for the person administering the government of this State for the time being, in case of necessity, to apply a part of the sum mentioned in the second clause of this act, not exceeding ten thousand dollars, to pay for any necessary contingent military services.

## CHAP. 6.

AN ACT to augment the number of artillerymen in the city and county of New York, and to regulate the same.

PASSED the 27th of August, 1798.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That there shall be raised in the city and county of New York four additional companies of artillery, which shall be annexed to the regiment of artillery, organized by an act of the legislature of this State passed the 4th day of April 1786. The said regiment shall have three field officers, and each company shall consist of as many officers, non commissioned officers and matrosses, as is directed by the militia law of the United States; and whenever the lieutenant colonel of the said regiment of artillery, becomes the senior lieutenant colonel within the district of the brigade of the city and county of New York, it shall be lawful to appoint him to the rank of a brigadier general, by brevette or otherwise and confine him if necessary to the command of the regiment; and whenever he becomes the senior brigadier general in the division in which he resides, it shall be lawful for the governor or person administering the government, by and with the advice and consent of the council of appointment, to appoint him major general of the said division.

Artillery  
companies  
in New  
York city.

*And be it further enacted* That the uniform of the said regiment, shall be determined as it respects the fashion, colour and expence, by the commanding officer of the said regiment.

Uniform.

*And be it further enacted,* That the non commissioned officers and matrosses of the said regiment, shall be entitled to all the privileges and exemptions secured to the artillerymen of the city and county of New York by the act entitled "An act for the encouragement of artillerymen in the city of New York," passed the 6th day of April 1795.

Exemptions.

*And be it further enacted,* That any non commissioned officer or matross of the said corps who has uniformed himself and served four years in the said regiment after the passing of this act, shall be entitled to a certificate, signed by the captain, and countersigned by the commandant of the regiment, purporting that he has served in uniform faithfully as above, for the term of four years; which certificate shall exempt him from military duty in this State for life, except in cases of invasion or insurrection.—

Id., of discharged  
militiamen.

*And be it further enacted,* That the said regiment shall be ordered out for exercise at least twelve times, and not exceeding eighteen times in every year, by the commanding officer of said corps, and that the persons composing the said regiment of artillery, shall be subject to the same fines in similar cases which are imposed by the act entitled "An act to organize the militia of this State" upon the other militia of this State which said fines shall be imposed, collected and disposed of in the manner prescribed by the said act, and the acts passed in amendment thereof.

How often  
regiment  
to be  
ordered  
out.

*And be it further enacted,* That the commissary of military stores shall deliver to the commandant of said corps, from time to time, such ammunition as the person administering the government of this State shall judge necessary for the public good, to be expended in practising with field artillery, mortars, and other useful experiments.

Ammunition to be  
furnished.

# L A W S

OF THE

## STATE OF NEW YORK,

PASSED AT THE

TWENTY-SECOND SESSION, SECOND MEETING, OF THE LEGISLATURE.

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### CHAP. 1.

AN ACT relative to the sittings of the supreme court.

PASSED the 26th of January, 1790.

Sittings of  
supreme  
court in  
Albany  
during va-  
cation.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the justices of the supreme court shall have authority during the present January term, to appoint sittings of the said supreme court to be held in the city of Albany, at any time during the vacation next following the said term, any thing in the fifth section of the act entitled "An act concerning the supreme court" notwithstanding.

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### CHAP. 2.

AN ACT providing for the expences of suits, in which the People of this State are interested.

PASSED the 26th of January, 1790.

Allowance  
to attor-  
ney-gen-  
eral.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That the attorney general of this State, on occasions where he hath attended or may attend, on behalf of the people of this State, without the State of New York, shall be allowed at the rate of five dollars and fifty cents per day for his services, which allowance and all charges for expenditures and disbursements neces-

sarily incurred or to be incurred by the said attorney general in or about the prosecution or defence of any action, right, or claim in which the people of this State are or may be interested, shall be ascertained and audited by the court of exchequer, and the amount thereof certified under the hand and seal of the said court to the comptroller of this State, who is hereby directed to issue his warrant for payment thereof accordingly.

### CHAP. 3.

#### AN ACT relative to Ram-Island in Suffolk county.

PASSED the 1st of February, 1799.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That that the island called Ram-Island in Suffolk county, lying between Fishers Island and the State of Connecticut, shall be and the same is hereby annexed to the town of Southold.

Ram Island  
annexed to  
town of  
Southold.

### CHAP. 4.

#### AN ACT for dividing the town of Broadalbin, in the county of Montgomery.

PASSED the 1st of February, 1799.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That from and after the first Monday of April next, all that part of the town of Broadalbin in the county of Montgomery, comprehended within the following boundaries, vizt, beginning where the southerly bounds of Godfrey Shoe's farm is intersected by the division line between the counties of Saratoga and Montgomery, thence west as the magnetic needle now directs to the division line between the town of Mayfield and the said town of Broadalbin, thence along the same northerly to the northern bounds of this State, thence along the same easterly to the northwesterly corner of the county of Clinton, thence along the westerly bounds thereof, and the westerly bounds of the counties of Washington and Saratoga to the place of beginning, be and hereby is erected into a separate town by the name of Northampton, and that the first town meeting shall be held at the house of John McNeil in the said town of Northampton.

Northamp-  
ton, town  
of, erected.

*And be it further enacted,* That all the remaining part of the town of Broadalbin, shall be and remain a separate town by the name of Broadalbin, and the first town meeting in the said town of Broadalbin shall be held at the house of Roswell Fenton in the same town.

Broadal-  
bin.

*And be it further enacted,* That the freeholders and inhabitants of the said towns shall be entitled to all the privileges, and be subject to all the penalties, which the freeholders and inhabitants of the other towns in this State are entitled and subject to by law.

Privileges  
of town.

*And be it further enacted,* That as soon as may be after the first Tuesday of April next, the overseers of the poor and the supervisors of the said towns, shall after due notice being given for that purpose by the supervisors of the said towns, meet together and apportion the

Division of  
the poor.

money and poor belonging to said town of Broadalbin previous to the division thereof, in as equitable a manner as may be; and in case the supervisors and overseers of the poor, cannot agree in the division of the money and poor as aforesaid, then the supervisors of the county of Montgomery at their annual meeting shall make such division of the money and poor aforesaid, as shall appear most equitable to the major part of them.

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## CHAP. 5.

### AN ACT relative to the supreme court of this State.

PASSED the 1st of February, 1799.

Destruction of colonial court records.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the clerk of the supreme court holding his office in the city of New York, shall and may, with all convenient speed, under the direction of the justices of the supreme court destroy all process other than executions and proceedings in cases of fines and recoveries, all declarations, and other pleadings, inquisitions, dockets of attorneys, affidavits, bail-pieces, oyers and suggestions, and also all indictments, recognizances and papers relative to criminal prosecutions, filed in the said office before the ninth day of July in the year one thousand seven hundred and seventy six.

When terms held.

*And be it further enacted,* That from and after the April term next, the April term of the supreme court of judicature of this State, shall be held in the city of New York, and October term of the said court, shall be held in the city of Albany.

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## CHAP. 6.

### AN ACT further to alter the charter of the city of Albany, and for other purposes.

PASSED the 1st of February, 1799.

Preamble.

WHEREAS a representation hath been made to the legislature by the mayor aldermen and commonalty of the city of Albany under their corporate seal, that certain alterations in the charter of the said city are expedient to remedy inconveniences arising from some of the provisions therein. For remedy whereof.

Superintendent of markets in Albany.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That the office of clerk of the market in and for the said city, shall be, and hereby is abolished; and that instead thereof it shall be lawful for the mayor, aldermen and commonalty of the said city, in common council convened, from time to time, and as often as shall be necessary, to nominate and appoint, under the common seal of the said city, one freeholder and inhabitant of the said city, to be the superintendant of the markets of the said city, whose duty it shall be to inspect the weights measures and ballances, that shall or may be used in the said markets, and to seize and destroy such as are not true and according to the established standard; and also to inspect at least once on every market day, all meats that may be

exposed for sale in the said markets, and to seize and destroy such as may be tainted or otherwise unfit to eat; and also to inspect the stalls in the said markets, and cause the occupants thereof to keep them clean, and to keep clean the equal half of the said markets fronting and adjoining to such stalls; and also to enquire into the conduct of all persons who shall expose for sale or vend any provisions in the said markets, and whether they or any of them are guilty of an infraction of the bye-laws of the common council of the said city, and to report all offenders against such bye-laws, to the chamberlain of the said city, whose duty it shall be forthwith to commence actions of debt in his own name against the said offenders for the penalties annexed to their several offences, in and by the said bye-laws, in the manner and to the use hereinafter mentioned.

*And be it further enacted* That the said superintendant shall by writing under his hand, yearly and every year by and with the consent and approbation of the common council of the said city, to be signified by affixing their common seal to such writing, licence so many butchers within the said city, as the said common council shall from time to time prescribe, which licences shall endure until the first Tuesday in May in every year next after such date, unless the same shall be sooner suppressed by the mayor or recorder and any two aldermen of the said city, by reason of an infraction of the bye-laws of the said common council, or for other misconduct of such butcher in the course of his trade, to be enquired into and determined upon in a summary way : *And further*, that it shall be lawful for the common council of the said city from time to time to make ordain and establish bye-laws to regulate the several markets that now are or may hereafter be erected within the said city.

Duty of  
superin-  
tendent.

*And be it further enacted*, That it shall and may be lawful for the said superintendant to exact and receive to his own use as a compensation for his services such sums as the common council of the said city shall from time to time appoint. *Provided always*, that such sums shall not exceed six cents for every quarter of beef, and four cents for every calf, sheep and hog, and two cents for every carcase of other meat of whatsoever kind the same may be, which shall be cut up or exposed for sale in the said market by any of the said butchers; and further that he shall also exact and receive for every licence to be granted by him as aforesaid the sum of one dollar, which he shall forthwith pay over to the chamberlain of the said city for the use of the common council thereof.

Compensa-  
tion.

*And be it further enacted* That the said superintendant shall, before he enters upon the execution of his said office, take and subscribe an oath or affirmation, before the mayor or recorder of the said city, well and faithfully to execute the duties of his said office without favor affection or partiality, and file the same in the office of the clerk of the said city.

Oath of  
office.

*And be it further enacted* That whenever there shall be more than one market erected within the said city, it shall be lawful for the common council of the said city to grant an exclusive right by contract or otherwise to one or more person or persons to supply either of the said markets with every kind of meat; *provided always*, that such exclusive right shall not endure for more than one year by virtue of any one contract, which time shall commence within six months from the date of every such contract.

Contracts  
to be  
granted.

*And be it further enacted*, That it shall not be lawful for the mayor of the said city from and after the passing of this act, to grant per-

Licenses  
for sale of  
liquors;



commis-  
sioner of  
excise.

mits to any person or persons whatsoever, to retail strong or spirituous liquors within the said city in any manner howsoever, but that it shall be lawful for the common council of the said city on the first Tuesday of March in every year, or as soon thereafter as conveniently may be, to nominate and appoint under the common seal of the said city, a substantial freeholder and inhabitant of the said city, to be a commissioner of excise in and for the said city whose duty it shall be by writing under his hand, by and with the consent and approbation of the said common council, to be signified by affixing thereto, the common seal of the said city, to grant permits to retail strong and spirituous liquors under five gallons and above one quart within the said city, which permit shall be and remain in force until the first Tuesday of April then next ensuing; and that it shall be lawful for the said commissioner of excise to demand and receive for every such permit as a duty of excise from the person or persons to whom the same shall be granted, a sum not less than five dollars nor more than fifty dollars, to be determined and ascertained by the said common council, and shall forthwith pay the same to the chamberlain of the said city, for the maintenance and support of the poor thereof.

When inn-  
keepers'  
licenses to  
be granted.

*And be it further enacted* That it shall also be lawful for the said commissioner in like manner to grant permits to keep inns and taverns within the said city, but that no permit shall be granted for that purpose to any person or persons, unless it shall appear necessary as well to the common council of the said city as to the said commissioner, for the accommodation of travellers, that the inn or tavern proposed to be kept, should be allowed, and that the applicant for such permit is of good moral character, and of competent abilities to keep a good and sufficient inn or tavern, all which shall be certified in every such permit; and that it shall be lawful for the said commissioner to demand and receive for every such permit, of the person or persons to whom the same shall be granted as aforesaid, a sum not less than ten dollars, nor more than forty dollars as a duty of excise, which shall also be forthwith paid over to the chamberlain of the said city for the support and maintenance of the poor thereof.

Oath of  
office.

*And be it further enacted* That the said commissioner before he enters upon the execution of his said office, shall take and subscribe an oath or affirmation before the said mayor aldermen and commonalty in common council convened faithfully to execute his said office, and from time to time to enquire into the conduct of all retailers of spirituous liquors and tavern keepers within the said city, and forthwith to report the names of those who shall be guilty of or suffer any gross irregularities, or who shall in anywise contravene the act entitled "An act to lay a duty of excise on strong liquors and for the better regulating of inns and taverns" to the mayor or recorder of the said city, who together with two aldermen are empowered and required, to enquire into such irregularities in a summary way, and in their discretion to suppress the licence of every person who shall before them be convicted of such irregularity, and to bind the offender or offenders over to the next court of general sessions of the peace to answer to any indictment which shall or may be preferred against him or them at the said court for such irregularities.

Compensa-  
tion.

*And be it further enacted* That the said commissioner shall be entitled to receive from the chamberlain of the said city for his services, such sum as the common council shall from year to year appoint.

Overseers  
of the  
poor.

*And be it further enacted* That instead of electing poor masters for the said city in the manner heretofore prescribed, it shall be lawful for

the common council of the said city, to nominate and appoint under the common seal of the said city, not less than three nor more than five freeholders, inhabitants of the said city, to be overseers of the poor thereof, which overseers being so appointed or the major part of them, shall have power and authority, to oversee and provide for the poor of the said city, and to put or bind out apprentices and servants in the said city and be subject to the same duties and penalties which the overseers of the poor of the respective towns in this State are subject to by virtue of any law of this State.

*And be it further enacted,* That it shall not be lawful for the said overseers to make any allowance for more than forty eight hours to any poor person whatsoever for his or her support or maintenance without having previously obtained an order for that purpose from the common council of the said city; and that it shall be lawful for the said common council from time to time to make establish and ordain such rules and regulations relative to the poor of the said city, as they shall deem necessary and expedient. Temporary relief.

*And be it further enacted* That it shall be lawful for the common council of the said city, to remove from office any person or persons by them to be appointed as aforesaid to either of the herein before mentioned offices at their pleasure, and to fill any vacancies which shall be occasioned by such removal, or by death or resignation. Removal from office; vacancies.

*And be it further enacted* That the mayor of the said city, shall, in lieu of all emoluments which he has heretofore been entitled to, receive yearly and every year from the chamberlain of the said city, as a compensation for his services, such sum as the common council of the said city shall from time to time determine and appoint; *provided always,* that such sum shall not exceed one thousand dollars per year. Compensation of mayor.

*And be it further enacted* That it shall be lawful for the common council of the said city, to licence under their common seal, and during their pleasure such and so many persons as they shall judge to be proper, to carry about and vend all sorts of cakes within the said city; subject nevertheless to such regulations and duties as the said common council shall from time to time deem necessary to ordain and prescribe; *and further* that in case any person shall without such licence, carry about and vend any sort of cakes within the said city, he shall be deemed guilty of a misdemeanor, and on conviction thereof before the mayor or recorder and two aldermen of the said city, who are hereby empowered and required to try every such offender, shall for every offence be imprisoned in the common gaol of the city and county of Albany, for a term not less than twenty four hours nor more than six days. Licensed vendors.

*And be it further enacted,* That all penalties which have been, or shall hereafter be created by any bye-law of the common council of the said city, shall be sued for and recovered by and in the name of the chamberlain of the said city, for the use of the said city with costs of suit before any justice of the peace in and for the said city, in the same manner that debts to the value of ten pounds and under now are recoverable against non-resident debtors; *provided always* that there shall be no stay of execution after judgment rendered in any such suit, under any pretence whatsoever. Recovery of penalties.

*And be it further enacted,* That it shall be lawful for the common council of the said city, from time to time to prescribe the manner of licensing cartmen, and to regulate the cartmen and carts within the said city. Mode of licensing cartmen.

How long  
act to re-  
main in  
force.

*And be it further enacted* That this act shall continue and be in force until the first day of April in the year one thousand eight hundred and two and no longer, and that thenceforth the said corporation shall be reinvested with the powers and privileges hereby surrendered in the same manner as if such surrender had not been made, and this act had not been passed.

## CHAP. 7.

AN ACT to annex a part of the town of Colchester in the county of Delaware, to the town of Walton in said county.

PASSED the 1st of February, 1799.

Part of  
Colchester  
annexed to  
town of  
Walton.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That from and after the Monday next preceeding the first Tuesday in April next, all that part of the town of Colchester in the county of Delaware, included in the boundaries following, to-wit, beginning on the Cookquago branch of the Delaware river, at the most southerly corner of lot number eight in the subdivision of great lot number thirty five in the Hardenbergh patent, and running thence northeasterly along the line dividing the southeasterly from the northwesterly lots in the subdivision of said lot number thirty five, thence continuing the same course, to the northeasterly bounds of said town of Colchester, thence northwesterly along said bounds of said Colchester to the northwesterly bank of said branch of the Delaware river, thence down said bank of said river to the place of beginning, shall be and is hereby annexed to the town of Walton in said county.

Division of  
the poor.

*And be it further enacted,* That as soon as may be after the first Tuesday of April next, the supervisors and overseers of the poor of the towns aforesaid, shall by notice to be given for that purpose by the supervisors of said towns, meet together, and divide and apportion the poor then maintained by said towns respectively, together with all the money, accounts and vouchers then belonging to the same in a just and equitable manner; and if the supervisors and overseers of the poor aforesaid, shall fail or neglect to divide and apportion the poor, money, accounts and vouchers aforesaid, then and in such case the supervisors of the county of Delaware shall at their next meeting, divide and apportion the same, in such manner as shall appear to them most just and equitable.

## CHAP. 8.

AN ACT to provide more effectually for the settlement of accounts between this State and individuals; and the recovery of debts due to this State.

PASSED the 1st of February, 1799.

Accounts  
to be re-  
quested by  
comptrol-  
ler.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That the comptroller of this State shall be and hereby is authorized, to issue a notification to any person who has received, or shall receive monies for which he is, or shall be accountable to this State, or in case of his death, to his heirs, devisees, executors

or administrators, requiring him or them, to render to the comptroller, at such time as he shall think reasonable, not less than sixty days nor more than ninety days from the date of the said notification, all his accounts and vouchers for the expenditure of the said monies; and in default thereof, suits, at the discretion of the comptroller shall be commenced for the same, without further notice; and the party sued as aforesaid, unless sued as heir, devisee, executor or administrator, shall be subject to the costs and charges of such suits, whether the ultimate decision, shall be against him or in his favour.—

*And be it further enacted,* That the said notification shall be in the name of the people of the State of New York, and shall be served by the sheriff of the county where the person to be notified shall reside, or his deputy, by delivering a copy thereof to the person to be notified, or by leaving such copy at his dwelling house or usual place of abode, at least forty days before the time fixed in such notification for rendering such account as aforesaid; and the return of such notification to the comptrollers office with the certificate of the sheriff indorsed thereon, that such service has been made by delivering a copy of such notification to the person so notified, shall be legal evidence of the proceedings, and shall be sufficient for the recovery of costs and charges. And the sheriff shall be entitled for serving such notification to the like fees as he is entitled to for serving common process, and which fees shall be allowed to him on passing his account in the court of exchequer. Provided nevertheless—

Service of  
notification.

*And be it further enacted* That in all cases where return shall be made as aforesaid of the service of such notice, and the person so notified shall within the time mentioned in such notification, produce to the comptroller his accounts and vouchers as aforesaid, such person shall not be subject to costs and charges, unless it shall be found that he is indebted to the people of this State.

Costs and  
charges.

*And be it further enacted* That in all cases where accounts shall be rendered to the comptroller within the time limited in such notification, or without any such notification being issued, the comptroller shall immediately proceed to examine such accounts and vouchers; and if the same are proper and sufficient in his opinion, he shall thereupon proceed to liquidate and settle the same accounts; but if any of the necessary vouchers are wanting or insufficient in his opinion, he shall give notice thereof to the party, and require him to supply such defect within a reasonable time not less than sixty nor more than ninety days; after the expiration of which time the comptroller shall proceed to liquidate and settle such accounts upon the vouchers and proofs which shall have been delivered to him, and when the comptroller shall have settled any account, he shall deliver or transmit a copy of such settlement to the party, and if any balance shall be thereby certified to be due to the State, and the same shall not be paid to the treasury within ninety days thereafter, the comptroller shall direct the assistant attorney general of the district within which the party shall reside, to commence a suit for the recovery of such balance; and in all such cases, a copy of such settlement certified by the comptroller shall be deemed good and sufficient evidence to support such action. But it shall be lawful for the defendant in any such action to plead and give in evidence all such matters as shall be legal and proper for his defence or discharge, and if any such defendant shall upon the trial of any such action, give any evidence other than such as was produced to the comptroller, then and in every such case, the defendant shall be subject to the costs and charges of such

Examina-  
tion of ac-  
counts.

suit, whether the ultimate decision shall be against him or in his favour.

Where  
several  
persons  
concerned  
jointly.

*And be it further enacted,* That in all cases where any number of commissioners or other persons shall have received any monies for which they are or shall be accountable to this State shall be lawful for the comptroller at his discretion to liquidate and settle the accounts or any one or more of them separately, and in such case, no such person shall be allowed to plead abatement to any suit to be brought for any ballance which shall be certified to be due from him or them, or to give in evidence upon the trial thereof, that any other person was concerned with him or them in the receipt or expenditure of the said money.

Where per-  
son neg-  
lects to  
render ac-  
count.

*And be it further enacted* That in case any person who shall be notified as aforesaid, to render his accounts and vouchers shall not so do within the time limited in such notification, then and in every such case, if the person so notified shall be accountable for money received of the treasury of this State, or if the comptroller can ascertain the amount thereof he shall state an account thereof, and compute and add thereto the interest thereof at the rate of six per cent per annum, from the time the same was received to the time fixed in such notification for rendering the account thereof, and transmit a copy of such account to the assistant attorney general of the district in which such person so neglecting shall reside, with directions to institute a suit for the recovery thereof; and in all such cases, a copy of such account certified by the comptroller shall be deemed good and sufficient evidence to support such action, and the defendant shall be subject to the costs and charges of such suit, whether the final decision shall be against him or in his favour, except in suits against heirs, devisees, executors or administrators, but that it shall be lawful for the defendant in any such action, to plead and give in evidence all such matters as shall be legal and proper for his defence or discharge.

Pleadings  
in actions.

*And be it further enacted,* That in all such suits it shall be sufficient to state, set forth, or declare, that the defendant, or if the suit is against heirs devisees executors or administrators, the ancestor testator, or intestate, on the day of the settlement of such account by the comptroller, and at a certain place was indebted to the people of the State of New York in the sum therein stated to be due, specifying the same, for so much money before that time by him received to their use, and so thereof being indebted, he the defendant or the ancestor testator or intestate in consideration thereof, afterwards, the same day and year, and at the place aforesaid promised to pay the same to the people of the State of New York aforesaid, and to charge the breach of such promise in common form, and to give the special matter in evidence.

Where per-  
sons in-  
debted on  
mortgage.

*And be it further enacted,* That in all cases where any person is indebted to this State by mortgage, it shall be lawful at any time, to pay the whole sum then due for principal and interest or any part thereof on such mortgage to the treasurer of this State: And the comptroller is hereby directed, upon payment of the whole sum due, to discharge such mortgage, and to loan the principal sum so paid, in the manner directed by the act "for appointing a comptroller in this State" for such time as then remained unexpired for the payment thereof by the mortgage upon which such payment shall be made.

Release of  
part of  
mortgaged  
premises.

*And be it further enacted,* That where any person indebted to this State by mortgage shall sell any part of the mortgaged premises, it shall be lawful for the comptroller at his discretion, in case he shall be

satisfied, that the premises so sold, have been sold for a fair consideration, and that the residue of the mortgaged premises are sufficient to secure the monies remaining due on any such mortgage, upon payment of the purchase money to the treasurer of this State, to join in the conveyance to the purchaser, and thereby to release to him and his heirs, the right of the people of this State by virtue of such mortgage to the premises so sold, which shall be a sufficient discharge of such mortgage as to the premises so released. But no such payment or release shall operate to discharge the mortgagor, or the residue of the mortgaged premises from the payment of the residue of the money then due, and to become due on such mortgage; and such mortgagor and the residue of the mortgaged premises shall remain chargeable with the payment in the same manner as if no such payment or release had been made; and the comptroller shall loan all such monies so paid upon any such mortgage in the manner herein before directed.

*And be it further enacted,* That nothing in this act shall be construed to repeal, take away or impair any legal remedy, which might be used, if this act was not in force for the recovery of any debt or debts now due or hereafter to become due to this State, in law or equity from any person or persons whomsoever. Provided always.

Effect of  
act.

*And be it further enacted* That nothing herein before contained, shall be understood to apply to any accounts or transactions, that existed between the people of this State and any individual or individuals previous to the first day of January in the year one thousand seven hundred and eighty eight.

Not to apply to accounts existing before 1788.

## CHAP. 9.

AN ACT to amend the act for the relief of Ebenezer Mott.

PASSED the 1st of February, 1799.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That it shall and may be lawful for the commissioners of the land office, and they are hereby empowered and required, when they grant the lands mentioned and intended to be granted in and by the act for the relief of Ebenezer Mott, to grant the same to him his heirs and assigns forever, any omission of words to that effect in the said act notwithstanding.

Grant of lands to Ebenezer Mott.

## CHAP. 10.

AN ACT for the relief of the Reformed Protestant High and Nether Dutch congregations of the towns of Schoharie and Middleburgh in the county of Schoharie.

PASSED the 8th of February, 1799.

WHEREAS by the petition of the minister, elders, and deacons of the Reformed Protestant High and Nether Dutch Churches and congregations of the towns of Schoharie and Middleburgh in the county of Schoharie, it appears that Johannes Sheffer, Henry Conradt, and Jo-

Preamble.

hannis Ingold, did by a certain deed of release bearing date the third day of January, in the year of our Lord, one thousand, seven hundred, and thirty seven, convey and assure unto Jonas LeRoy, and Peter Speis to the use and in trust for the inhabitants of the said churches and congregations, and for the promotion of the gospel within the then precinct of Huntersfield, county of Albany, and province of New York, all their, right, title and interest of in and to all that certain tract, piece or parcel of land, situate, lying and being in Huntersfield, in the then county of Albany, and province aforesaid, on the south side of Foxe's creek, beginning at a certain stone, and oak stump, standing on the said creek six rods above the bridge, and runs from thence south twenty seven degrees, west nine chains, then south fifty six degrees, east three chains, then north eighty eight degrees, east fourteen chains, and fifty links to the said Foxe's creek, then down the said creek, as it winds and turns to the place where it first began, containing fourteen acres. *And whereas*, the said trustees of the said churches and congregations above mentioned find it inconvenient for their respective congregations to hold the said lands above mentioned and buildings thereon erected, in common, and are desirous to release one to the other their respective rights, which they hold in the said lands and buildings by virtue of the above recited grants. *And whereas* doubts have arisen whether the said parties can legally convey the said lands and buildings, the one to the other, so as effectually to vest the same in the grantees and their successors; therefore for the removing of such doubts;

Sale of  
lands held  
by two  
congrega-  
tions.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly*, That it shall and may be lawful from and after the passing of this act for the minister, elders, and deacons of the Reformed Protestant High and Nether Dutch Church congregations in the towns of Schoharie and Middleburgh in the county of Schoharie & such person or persons as hold the aforesaid lands in trust for the use of the said congregations respectively, to sell and dispose each to the other their respective half or moiety of the said tract or parcel of land above described, and in case the said congregations cannot agree to purchase one from the other, then to make partition of said tract or parcel of land; and to make and execute deeds or releases each to the other of their respective share or moiety, and the same shall then and from thenceforth be severally held by each of the said congregations respectively with full power to sell and dispose of the same for the use of the respective congregations, and for no other use whatsoever. *Provided nevertheless* that there shall be reserved out of the above grant to the use of the said congregations, the ground now used as a burying ground, which said burying ground shall be and remain forever, as and for a burying ground, and be converted to no other purpose whatever.

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## CHAP. 11.

AN ACT to amend the act entitled "An act supplementary to the act entitled "An act to improve the navigation of Hudson River in the places therein mentioned."

PASSED the 8th of February, 1799

Preamble. WHEREAS the mode of improvement directed by the act entitled "An act supplementary to the act entitled An act to improve the

navigation of Hudsons river in the places therein mentioned" passed the 17th of March 1797, has been found impracticable, and the commissioners authorised by the said act to superintend the same have constructed a dam and other works in such manner as affords a fair prospect, that the intentions of the legislature in passing the said acts will be accomplished. Therefore

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the commissioners named in the said acts, shall be and they are hereby exonerated from any penalty which they may have incurred by deviating from the mode of improvement designated directed and detailed in the acts hereinbefore referred to. Exonerated from penalties.

*And whereas* by the means of such deviation the said commissioners have suggested, that it was found impracticable to compleat the improvement within the period limited by the said acts and have prayed a prolongation thereof. Therefore

*Be it further enacted* That the said commissioners shall be and they are hereby allowed until the first day of January next to compleat the said work any thing in the said acts to the contrary notwithstanding. Time extended.

## CHAP. 12.

AN ACT to annex a part of the town of New Paltz in the county of Ulster, to the town of Hurley in the said county.

PASSED the 8th of February, 1799.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That from and after the passing of this act, all that part of the town of New Paltz in the county of Ulster included in the following boundaries, vizt: Beginning in the northwest corner of the said New Paltz patent, and running thence south fifty degrees east one hundred and eighteen chains to the east bank of the Wall Kill, thence north seventy one degrees and twenty minutes east one hundred and fifty four chains to where the east bounds of the town of Hurley intersects the north bounds of the town of New Paltz, and thence northwesterly along the bounds of the New Paltz patent to the place of beginning, shall be and is hereby annexed to the town of Hurley. Part of New Paltz annexed to Hurley.

## CHAP. 13.

AN ACT for the sale of land to John Denney an Indian.

PASSED the 15th of February, 1799.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the surveyor general be and he is hereby required, to execute to John Denney for the consideration of two hundred and fifty dollars, a conveyance for two hundred and fifty acres of land on the east side of the Canaseraga creek so as to include the improvements of the said John Denney, and to be bounded northwesterly by the said Canaseraga creek, easterly by a north and south line touching the eastern extent of his said improvements, and on the

Grant of lands to John Denney.



south by an east and west line run so as to comprehend the said quantity of two hundred and fifty acres, to hold to him and his heirs forever; and shall immediately thereupon take from the said John Denney, a mortgage on the land so conveyed to the said John Denney, to secure the payment of the purchase money within the term of ten years, and the interest thereof annually; and cause the same mortgage to be registered in the office of the clerk of the county of Oneida, and then deliver the said mortgage to the comptroller of this State.

## CHAP. 14.

### AN ACT concerning the State prison.

PASSED the 15th of February, 1799

Powers of commissioners to devolve on inspectors.

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That from and after the passing of this act, the powers of the commissioners for building the State prison, shall cease; and the same shall thenceforth devolve on, and be executed by, the inspectors of the said prison; and the said commissioners shall accordingly pay over to the said inspectors, whatever sum may be remaining unexpended of the monies heretofore granted for finishing and completing the said prison: Which sum of money, so to be paid over, shall be applied by the said inspectors in finishing the room proposed in the said prison for public worship, and the further completion of the said prison, and as a capital stock for the purpose of purchasing tools and raw materials for the manufactures that may be carried on in the same prison, in such manner and proportions as may in the judgment of said inspectors be most advantageous to the said establishment.

Appropriation for deficiency.

*And be it further enacted* That it shall be lawful for the treasurer to pay to the said said\* inspectors, three hundred and sixteen dollars and twenty five cents, to reimburse them a sum to that amount expended by them beyond the sum of three thousand dollars mentioned and appropriated to be paid them by the act for the payment of certain officers of government and other contingent expences" passed the third day of April 1797." And also three thousand seven hundred and twenty two dollars and thirty cents to reimburse them a sum to that amount, expended by them, beyond the sum of one thousand pounds mentioned and appropriated to be paid them by the act making alterations in the criminal law of this State and for erecting State prisons" passed the 26th day of March 1796.

Appropriation for support of prisoners.

*And be it further enacted* That the treasurer shall pay to the said inspectors such sum as may be requisite from time to time, not in the whole to exceed the sum of ten thousand dollars for the support of the prisoners, the allowance to the sheriffs for conveying them to the said prison, and other incidental expences not specially provided for, and also for paying the supervisors of such counties whose accounts have not been paid by the inspectors of said prison for maintaining and supporting prisoners in the respective counties, and who are entitled to receive payment therefor agreeably to the said act entitled

\* So in original.

"An act for the payment of certain officers of government and other contingent expences" passed the third day of April 1797."

*And be it further enacted* That it shall be lawful for the said inspectors out of the sum of ten thousand dollars granted by the act passed the thirtieth day of March 1798 "to reimburse themselves the amount which they have paid for conveying prisoners to the said prison, and for such other incidental expences as are above intended and which have already occurred.

Expenses  
of convey-  
ing prison-  
ers to  
prison.

*And be it further enacted* That the salaries of the keeper and assistant keepers of the said prison, instead of being paid to them immediately out of the treasury shall from and after the first day of April next, be paid to them by the said inspectors and to that end, the said inspectors shall quarter yearly, transmit an account of the salaries due to the keeper and each of the assistants respectively, to the comptroller, who shall thereupon issue his warrant to the treasurer to pay the amount thereof to the said inspectors, and the treasurer shall pay the same out of any money then in the treasury.

Payment  
of salaries.

*And for removing doubts.*

*Be it further enacted*, That no court of special sessions in the city and county of New York before the mayor recorder and aldermen of the said city, or any three of them, and in the other counties before three justices of the peace under the act for the speedy trial and punishment of such persons as shall commit offences under the degree of grand larceny, passed the twenty fourth day of March 1787, shall have power to sentence a person convicted before them to be imprisoned in the State prison.

Courts of  
special ses-  
sions not  
to sentence  
to State  
prison.

*And be it further enacted* That the agent appointed or to be appointed for the purposes mentioned in the said act entitled "An act making alterations in the criminal law of this State and for erecting State prisons" shall be allowed at and after the rate of fifteen hundred dollars a year as a compensation for his services, including clerk hire for disposing of the articles manufactured in the said prison, and stationery, which salary shall be deemed to have commenced on the twenty eighth day of November in the year of our Lord one thousand, seven hundred ninety seven, and shall be paid out of the avails arising on sales of articles manufactured by the convicts in the said prison.

Salary of  
agent.

## CHAP. 15.

### AN ACT for the relief of Jabez Johnson.

PASSED the 22nd of February, 1799.

WHEREAS, the committee of association in the city of New York, in the month of May, in the year one thousand seven hundred and seventy five, caused all the cannon then in the city of New York, belonging to private persons, to be removed to Kingsbridge, part of which cannon were afterwards by order of the convention of the State, or a committee thereof, delivered to certain persons in the State of Connecticut, for the use of that State, and have been charged to and paid for by that State, and the residue thereof were applied to the use of the United States, and charged to them in their account with this State: Therefore

Preamble.

Appropriation to Jabez Johnson.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That it shall and may be lawful for the comptroller of this State, to draw his warrant upon the treasurer thereof, in favor of the said Jabez Johnson, whose cannon were taken as aforesaid, and have not been paid for, for the value of the cannon, which were taken from him, and disposed of as aforesaid, estimating the same at and after the rate as charged by this State to the State of Connecticut and the United States, for those which were respectively delivered to them, which warrant the treasurer is hereby directed to pay.

Comptroller to borrow money.

*And be it further enacted* That if there shall not be money unappropriated in the treasury, sufficient to pay the sum directed by this act to be paid, it shall be lawful for the comptroller to borrow money for the purpose in the manner directed by the act for appointing a comptroller in this State.

## CHAP. 16.

AN ACT to continue the treasurer of this State in office.

PASSED the 22nd of February, 1799.

Robert McClallen continued as treasurer.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That Robert McClallen shall be, and hereby is continued in office, as treasurer of this State, until sixty days after the rising of the legislature, at their next meeting after the first day of January, which will be in the year of our Lord, one thousand, eight hundred. And in case of the death or inability or the said treasurer to execute the said office at any time during the recess of the legislature, it shall and may be lawful for the president, directors and company of the Bank of Albany to execute the said office in respect to receiving and paying monies in the same manner as the treasurer of this State is or shall be authorized and directed to do by law, until other legislative provision shall be made in the premises; and the person administering the government of this State for the time being shall in such case, by proclamation give public notice of such death or inability.

Oath of office.

*And be it further enacted,* That the said Robert McClallen, if he shall take upon him the execution of the said office, shall on or before the first day of March next, appear before one of the judges of the supreme court of this State, and take the following oath vizt., "I Robert McClallen appointed treasurer of the State of New York, do solemnly and sincerely swear and declare, in presence of Almighty God, that I will during my continuance in the said office, well, faithfully, and honestly, to the best of my knowledge and ability, execute all and every of the duties appertaining to the said office, and that I will not on any occasion or pretence, apply any monies securities, or other effects, which may or shall come into my hands, belonging to the said State, to any private use or purpose whatsoever; and that whenever called on by the legislature, I will exhibit a true account of such monies, securities and other effects, under this my oath of office: So help me God"—

Bond to be given.

*And be it further enacted* That the said Robert McClallen shall on or before the first day of March next, give bond to the people of this State, with not less than four sufficient sureties, to be approved of by

the chief justice of this State, and the speaker of the assembly in the sum of fifty thousand dollars, with a condition that the said Robert McClallen shall and will well, faithfully and honestly, execute and perform the duties of the office of treasurer of this State, and that he will not during his continuance in office be concerned directly or indirectly in any trade or merchandise whatsoever, which bond when so taken, shall be lodged in the office of the secretary of this State.

*And be it further enacted* That the said Robert McClallen shall annually lay before the legislature, a true and exact statement of the ballance in the treasury, and due to the people of this State, with a summary of the receipts, and payments of the treasury during the year preceding. Annual report.

*And be it further enacted* That all payments, which shall from time to time become due on the mortgages, bonds, obligations, and other assurances belonging to the people of this State, and which shall become due from the loan officers in the respective counties in this State, and which shall be certified to be so due by the comptroller, shall be made to the treasurer of this State, and his receipt for the same shall be taken to the comptroller who shall countersign the same, and enter it in the proper books for that purpose in his office, to the credit of the person for whom such payment shall be made, and no receipt unless so countersigned, shall be deemed good evidence of such payment. Payments from loan officers.

*And be it further enacted*, That the banks of New York and Albany shall be the places of deposit for all monies which may at any time be in the treasury of this State, and the treasurer is hereby directed and required to deposit all monies which may from time to time come into his hands, on account of this State, in one or other of the said banks within three days after receiving the same; and the monies so deposited by the treasurer shall be placed to his account as treasurer. Banks of deposit.

*And be it further enacted*, That the said Robert McClallen shall be allowed to retain as a compensation for his services and expences including clerk hire, office hire, and stationary, the sum of one thousand, five hundred dollars a year in quarterly payments, for which the comptroller shall give his warrant as the same shall become due. Compensation of treasurer.

## CHAP. 17.

### AN ACT concerning wolves and panthers.

PASSED the 22nd of February, 1799.

*Be it enacted by the People of the State of New York represented in Senate and Assembly*, That from and after the first day of May next, it shall and may be lawful for the supervisors of each and every of the counties within this State, or a major part of them at their annual meetings to declare, whether any and what reward shall be given by their respective counties for the killing of any wolf or wolves panther or panthers therein, and the said reward shall be a county charge, and assessed, raised and levied together with the other necessary and contingent charges of the county, and shall be paid in such manner, and under such restrictions as the board of supervisors allowing the reward shall direct; *provided* that no reward so to be allowed by any of the said board of supervisors for the killing of a wolf or panther, shall exceed the sum of ten dollars. Supervisors to fix bounty for wolves and panthers.

Act recited  
repealed.

*And be it further enacted*, That from and after the first day of May next the act entitled "An act to encourage the destroying of wolves and panthers," passed the third day of April 1797, and the act therein mentioned, shall be and hereby are repealed.

## CHAP. 18.

AN ACT to amend the laws respecting the loan officers and supervisors of the several counties of this State.

PASSED the 25th of February, 1799.

Preamble.

WHEREAS by the act entitled "An act to grant an additional compensation to the loan officers for the counties of Albany and Montgomery, and relating to the loan officers of the said counties, passed the 11th day of April 1792," it is made the duty of one of the judges and one of the supervisors of the counties of Columbia Rensselaer and Saratoga to meet once in every year with the supervisors and one or more of the judges of the county of Albany in the city of Albany for inspecting and examining the mortgages minutes and accounts of the loan officers appointed in the county of Albany: *And whereas* it frequently happens that such judges and supervisors of such other counties, or some of them neglect to attend. Therefore

Super-  
visors and  
judge of  
Albany  
may act if  
others not  
present.

*Be it enacted by the People of the State of New York represented in Senate and Assembly*, That in case of such neglect it shall and may be lawful for the supervisors of the county of Albany or a majority of them together with one or more of the judges of the said county, and such of the supervisors and judges of the other counties as may appear at their annual meeting on the first Tuesday in October in every year, to do and perform the duties required by the said act, to all intents and purposes as if a full board required by the said act had appeared, any law to the contrary notwithstanding.

Id.; of  
Mont-  
gomery.

*And be it further enacted* that in case of such neglect as aforesaid of the judges and supervisors of the counties of Otsego and Herkimer or any of them to attend at the meeting for the examination of the mortgages minutes and accounts of the loan officers of the county of Montgomery on the first Tuesday of October yearly, it shall and may be lawful for the supervisors of the said county of Montgomery or a majority of them together with one or more of the judges of the court of common pleas in and for the said county, and such of the supervisors and judges of the said counties of Otsego and Herkimer as may attend such meeting, to do and perform the duties enjoined by the said recited act, as fully and effectually, as if all the officers required by the same act had attended such meeting as aforesaid.

*And whereas* it has been represented to the legislature that great inconveniences arise to the loan officers of several of the counties within this State by reason of the division of the said counties, and setting off parts thereof to other counties. For remedy whereof.

Sales of  
lands.

*Be it further enacted* That it shall be lawful for the loan officers of any county within this State, to advertize and sell all lands which may be mortgaged to such loan officers pursuant to the directions of the several acts in such case made and provided, within the county in which such loan officers were originally chosen or appointed any division

of such county, or setting off and annexing any part thereof to any other county, or any former law to the contrary notwithstanding.

*And whereas* doubts have arisen relative to the acts and proceedings of Charles Newkirk and Daniel Paris as loan officers of the county of Montgomery under the act entitled "An act for emitting the sum of two hundred thousand pounds in bills of credit for the purposes therein mentioned. For remedy whereof.

*Be it further enacted* That the appointment of the said Charles Newkirk and Daniel Paris as loan officers of the said county of Montgomery for the purposes in the said recited act mentioned, be and the same is hereby confirmed as fully and amply as if the said appointment had been made in conformity to the acts in that case made and provided; and that the proceedings of the said Charles Newkirk and Daniel Paris, so far forth as respects the legality of their said appointment under the said recited act, be and the same are hereby declared to be valid in law.

Act of persons named confirmed.

*And whereas* doubts have arisen upon the operation of conveyances of lands made to the supervisors of the respective counties in this State for the use of such counties for public buildings and other county purposes. For remedy whereof.

*Be it further enacted*, That all conveyances made or to be made for the use aforesaid, shall vest in the supervisors of the counties respectively and their successors such estate as every such conveyance shall import to grant and convey for the uses therein expressed.

Conveyances to counties.

## CHAP. 19.

AN ACT to amend an act entitled An Act to provide against infectious and pestilential diseases.

PASSED the 25th of February, 1799.

*Be it enacted by the People of the State of New York represented in Senate and Assembly*, That the commissioners of the health office, shall consist of the health officer and a physician to be styled the resident physician, and one other person who shall be appointed by the council of appointment: That the said commissioners shall have the like powers and privileges, and perform the same duties as the commissioners constituted by the act hereby amended: That the health officer shall reside at Staten Island, and the two other commissioners in the city of New York; that the compensation of the resident physician shall be one thousand dollars per annum; and that of the other commissioners resident in the city of New York five hundred dollars per annum, to be paid out of the funds heretofore appropriated for compensating the commissioners of the health office. *Provided always* that the person now holding and exercising the office of health officer, shall and may continue in his office until another shall be appointed in his stead.

Health officers: salaries.

*And be it further enacted*, That no vessel subject to the examination of the health officer shall approach the city of New York, beyond the place assigned for quarantine without a written permit for that purpose from him; and that the master or commander of any such vessel arriving at the city of New York, shall within twenty four hours after such arrival, deliver such permit to one of the commissioners of

Vessels subject to quarantine not to approach city without permit.

the health office resident in the said city; and every master or commander neglecting or refusing to comply with either of these directions, shall for every such offence be considered guilty of a misdemeanor and on conviction thereof, shall be fined by any court having cognizance thereof in a sum not exceeding two hundred dollars, or be imprisoned for a term not exceeding twelve months.

Marine  
hospital on  
Staten Is-  
land.

*And be it further enacted* That the commissioners of the health office shall have full power, with the consent of the person administering the government of this State, to purchase or procure a tract of land not exceeding thirty acres on the easterly part of Staten Island, and to take and hold the same in trust for the use of the people of this State, and to erect a hospital to be denominated, "a marine hospital," and such other buildings and improvements thereon, or on the land under the water adjoining the same, and to make such arrangements in the premises in concert with the government of the United States, if such concert shall be deemed necessary by the person administering the government of this State for the time being, as in the judgment of the said commissioners may be necessary to prosecute the objects of the establishment as by this act intended; and that all vessels subject to quarantine shall come to anchor as near as may be to the said marine hospital, which is hereby declared to be the anchoring place for vessels at quarantine. And the said marine hospital shall be in lieu of the lazaretto established by the act hereby amended, and subject to the same regulations and provisions, as in the said act are prescribed.

How lands  
may be ac-  
quired.

*And be it further enacted* That in case the commissioners of the health office shall not be able to agree for and purchase a tract of land for the purpose aforesaid, it shall be lawful for them, or their agent, superintendent, or any other person employed in their service to enter upon and take possession of the tract of land, and to cause a survey thereof and a map to be made, and exhibit such survey and map to the justices of the supreme court or any two of them; and such justices shall thereupon certify such survey and map, under their hands, and cause the same to be filed in the office of the clerk of the county in which the land is situate, there to remain as a public record; and it shall thereupon be lawful for the said justices by a writing under their hands and seals, to appoint not less than three nor more than five discreet and impartial persons to appraise the premises specified in such map; and it shall be the duty of the appraisers, or a majority of them to examine and ascertain the value of the premises, and the damages which the owner or owners, or any lessee thereof may sustain by the appropriation thereof for the purposes aforesaid and to certify the valuation of the said premises, and assessment of damages, under oath to be a true fair and impartial valuation and assessment to the best of their belief, and acknowledge the said certificate before a master of the court of chancery, which certificate shall be filed in the office of the clerk of the said county, there to remain as a public record; and upon the payment of the sum or sums of money so assessed as aforesaid together with the costs of appraisement, the people of this State shall immediately be vested with the fee simple of the lands specified on the map filed in the office aforesaid. *Provided nevertheless*, that nothing in this act contained shall be construed so as to impede the right of passing and repassing through the roads or highway now established on the east end of Staten Island.

Persons  
not to ap-  
proach

*And be it further enacted* That no person unless authorized by the health officer shall go within a line to be designated upon the land so

purchased, round the marine hospital by the commissioners of the health office; and that every person so transgressing shall be considered guilty of a misdemeanor, and fined in a sum not exceeding one hundred dollars, or be imprisoned for a time not exceeding thirty days by any court having cognizance thereof.

*And be it further enacted,* That every diseased person, duly landed or sent to the marine hospital, shall be there kept and maintained, until the health officer shall grant him or her a discharge in writing; and if before obtaining a discharge as aforesaid, any such person shall elope or be absent beyond the line limited and designated as above mentioned, it shall be lawful for the health officer or any constable or other person whom he shall call to his assistance, and they are hereby enjoined and required to pursue and apprehend the person so eloped or absent, and there again deliver him or her to be detained until discharged as aforesaid; and any person so eloping or absenting himself or herself, or any person knowingly receiving, harbouring, or in any wise entertaining any person so eloping or absent from the marine hospital, or any diseased person in the marine hospital refusing or neglecting to obey the direction of the health officer, and the orders and regulations of the commissioners of the health office, shall be considered as guilty of a misdemeanor, and as such be punishable by any court having cognizance thereof.

*And be it further enacted* That all vessels arriving in the port of New York from any port, island or other place in the East Indies, or from any port, island or other place on the coast of Africa, or from any port, island or other place in the Mediterranean, or from any port, island or other place in the South Seas, or from any port, island or other place in the West Indies, or from any port, island or other place whatever in America lying to the southward of Georgia or from any port, or other place in the Bermuda Islands, at any time in any year, or from any foreign port, place or island whatever, between the last day of May, and the last day of October in any year, shall be subject to quarantine of course, and to the examination of the health officer under the regulations in such case made and prescribed by the act hereby amended.

*And be it further enacted* That all vessels arriving in the port of New York, from any port, island or other place in the United States, south of Sandy Hook, between the first day of June and the first day of October in any year, shall anchor at the place assigned for quarantine, and, shall be subject to such regulations as vessels which are to perform quarantine of course, if on the examination of the health officer it shall by him be deemed expedient; and that any master or commander of a vessel offending in the premises shall be subject to the like penalty as is prescribed in the fourth section of the act hereby amended; and the health officer shall be entitled to and receive from the masters and commanders of such last mentioned vessels respectively; the sum of four dollars for each vessel above one hundred tons and the sum of two dollars for each vessel of or below one hundred tons, so visited by him, excepting all boats arriving in the harbour of New York from any port or harbour on the shores of New Jersey, between Sandy Hook and Cape May, or any port of Long Island.

*And be it further enacted* That if in the judgment of the health officer or resident physician, any vessel arriving in the port of New York, shall require purification, it shall be his duty to direct the time and manner in which such purification, shall take place and the expences thereof shall be defrayed by the master commander owner or

hospital  
without  
permit.

Hospital  
regula-  
tions.

Vessels  
subject to  
quarantine  
of course.

Vessels  
subject to  
quarantine  
in discre-  
tion of  
health of-  
ficer.

Purifica-  
tion of ves-  
sels.



consignee of such vessel; and the master commander or consignee of every such vessel for every neglect or refusal to comply with, and to aid in the execution of such direction, shall be considered as guilty of a misdemeanor, and on conviction thereof shall be fined by any court having cognizance of the same, in a sum not exceeding one thousand dollars.

Penalty for refusing to obey orders of health officer.

*And be it further enacted* That if the master commander owner or consignee of any vessel arriving in the port of New York shall neglect or refuse to remove such vessel to the place and in the time required by the commissioners of the health office, it shall be the duty of the said commissioners and they are hereby empowered to cause the same to be done at the expence and risque of such master commander owner or consignee, and the monies so expended shall be recoverable by the said commissioners with costs, by an action on the case, in their own names against such master commander owner or consignee in any court having cognizance thereof.

Report of sick person by keepers of lodging houses.

*And be it further enacted* That every person keeping a boarding or lodging house in the city of New York between the first day of June and the first day of November in any year shall within twelve hours after any seafaring man or sojourner shall become sick in such boarding or lodging house, report in writing, the name of such diseased person to the health office; and that no master of a vessel or any other person whatever shall remove any sick person from any vessel lying at the wharves or in the harbour of the city of New York before the name of such sick person has been reported to the health office, and a written permit granted for the purpose of such removal; and that any person neglecting or refusing to comply with either of these directions, shall be considered guilty of a misdemeanor and be fined in a sum not exceeding one hundred dollars, or be imprisoned for a time not exceeding six months, by any court having cognizance thereof.

Penalty for neglect by pilot.

*And be it further enacted* That in addition to the penalties specified in the act hereby amended, every pilot neglecting or refusing to perform any of the duties enjoined by this or the said act, or permitting any vessel or boat to come along side of such vessel, which such pilot shall have the direction of, or permitting anything to be thrown into such vessel or boat, shall forfeit for every such neglect or refusal or offence the sum of twenty five dollars, to be recovered by the commissioners of the health office with costs in an action of debt in their own names, in any court having cognizance thereof.

Quarantine colors.

*And be it further enacted,* That colours designating a vessel subject to quarantine, shall be fixed in the main schrouds halfway between the main deck and the topmast of such vessel, and there remain until the expiration of her quarantine; and that if the master or commander of any such vessel shall not comply with this direction, or if the master or commander of any vessel not subject to quarantine shall exhibit such signal, or continue such signal after being ordered by the health officer to remove it, he shall forfeit for every such offence the sum of fifty dollars and the further sum of three dollars for every hour he shall so offend to be recovered by the commissioners of the health office with costs, in an action of debt in their own names in any court having cognizance thereof.

Application of fines.

*And be it further enacted,* That all the fines and penalties imposed and received under this act shall be paid to the commissioners of the health office, to be by them applied towards defraying the expence of the health office, and that the said commissioners and the health officer shall be entitled to the same powers and privileges, and subject to

the same duties in the execution of this act, as in the act hereby amended.

*And be it further enacted* That the treasurer shall from time to time on the warrants of the comptroller, pay to the said commissioners out of any money in the treasury not otherwise appropriated, such sums as shall be necessary for the purposes aforesaid, not exceeding in the whole the sum of fifteen thousand dollars. And if there should not be money unappropriated in the treasury sufficient to pay any such warrant, then the comptroller is hereby authorised and directed to borrow a sum sufficient for the purpose, in the manner directed by the act for appointing a comptroller in this State. Appropriation.

*And be it farther enacted,* That the said commissioners shall account with the comptroller for the expenditures of the monies they shall receive by virtue of this act. Account by commissioners.

*And be it further enacted* That the said marine hospital and other buildings by this act intended to be erected on the land that may be purchased, shall be constructed in such manner and on such economic plan, that the money hereby appropriated, shall be sufficient for the purchase of the said land and completing the said hospital and buildings. Construction of hospital and buildings.

*And be it further enacted* That the thirteenth section of the act hereby amended shall be and hereby is repealed. Part of act repealed

## CHAP. 20.

AN ACT to improve the navigation of Hudson's river, between the villages of Lansingburgh and Troy.

PASSED the 1st of March, 1799.

WHEREAS sundry inhabitants of the villages of Lansingburgh and Waterford have by their petitions represented, that an improvement of the navigation of Hudsons, river, from the village of Troy up to the village of Lansingburgh, would be of public utility, and have procured a lease from the President, Directors and Company of the Northern Inland Lock Navigation, of as much land lying under the water of Hudsons river, as will be necessary to make the said improvement, and have prayed legislative aid in the premises: therefore Preamble.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That Cornelius Lansing, Joseph S. Mabbet, David Henry, Charles Selden, Jacobus Van Schoonhoven, Hezekiah Ketchum and Joseph Alexander, or a majority of them, be and they are hereby appointed commissioners, with full power and authority, to improve the navigation of Hudson's river, between the villages of Lansingburgh and Troy, and may cause the sum of eight thousand four hundred dollars, mentioned in the said petition from the inhabitants of Lansingburgh, to be equitably assessed upon the lands and buildings contained within the following boundaries, to wit, beginning at a point in the division line between the counties of Albany and Rensselaer opposite to the southernmost part of the lower rift, where the operation in the channel is to begin, from thence running a line due east, to the foot of the first range of hills, thence northerly on a line along the foot of the said range of hills, until the said line strikes the north bounds of the farm of Cornelius Lansing, and on which the said Cor- Commissioners to raise moneys for improvements to Hudson river; how assessed and collected.

nelius Lansing now lives, thence westerly along the north bounds of the said farm to the division line between the counties of Rensselaer and Saratoga, thence along the westerly line of the said county of Rensselaer to the place of beginning. And in order that the same may be impartially performed, the said commissioners or a majority of them shall annually give public notice, by advertisements to be published in the news-paper printed in the said village of Lansingburgh, at least six days previous to the election, requiring the freeholders to meet at a place certain, and elect three discreet inhabitants, being freeholders, residing in the said village of Lansingburgh to be assessors, who shall, before they enter upon the execution of their trust, be duly sworn before any justice of the peace of said county, to make a just and equitable appraisal of all the lands and buildings contained within the aforesaid limits, and thereby assess and apportion the sum to be levied and assessed, upon the several parcels of land and buildings, without favor or partiality, and a certificate in writing of such estimate or assessment being returned to the said commissioners shall be binding and conclusive upon the owners or occupants of such lands and buildings so to be assessed respectively; and such owners and occupants respectively, shall thereupon become, and be liable and chargeable, and they are hereby required, upon demand, to pay to such person or persons as shall be authorized by the commissioners, by their warrant for that purpose to be made in writing to receive the same; and in default of payment, it shall and may be lawful to and for the person or persons so authorized to receive the same to cause the said sum or sums of money so assessed, to be levied by distress and sale of the goods and chattels of the owner or occupant of such land or building so assessed, and neglecting or refusing to pay the same, rendering the overplus money (if any there be) after deducting the sum assessed, and the charges of distress and sale, to such owner or occupant, or his or her legal representative, making a return of the said warrant with his proceedings thereon, and paying the monies collected, to the said commissioners, within forty two days from the date thereof.

Where person pays tax chargeable to another.

*And be it further enacted* That in case any money so from time to time to be assessed for the service aforesaid, shall be paid by any person, when by agreement or in equity, the same ought to have been borne by some other person, then it shall and may be lawful to and for the person so paying the same, and he shall be and is hereby empowered and authorized to sue for and recover the same, with interest and costs of suit, in any court having cognizance thereof, as so much money paid for the use of the person for whom, or for whose use the same shall have been paid.

Enforcement of collection of tax.

*And be it further enacted*, That in case any of the lots of land, or buildings situate and lying within the aforesaid limits of the said village of Lansingburgh, so to be assessed shall be unoccupied, or in case there is not goods and chattels sufficient for the payment of the sum or sums so assessed, on the premises, then and in every such case, it shall be the duty of the said commissioners, or a majority of them, to cause an advertisement to be printed for six weeks successively, in the public news-papers to be printed by the printer to the State and in one of the public news-papers to be printed in the county of Rensselaer, and in one of the public news-papers to be printed in the county of Saratoga, and also in one of the public newspapers to be printed in the city of New-York, specifying the number of said lot or lots, or a description of said lands, and the sum or sums so assessed

upon them and requiring the owner or owners of such lots or lands, to pay the sums so assessed, together with the costs of such advertisement to the said commissioners, within three months from the date thereof, and in case any of the said sum or sums of money so assessed, shall remain unpaid at the expiration of the said three months, then and in every such case, the sum so assessed, shall be a lien on said lands or buildings, upon which the same shall have been assessed; and the said commissioners or a majority of them, shall bring an action in their own names against any owner or owners of such lot or lots before any court having jurisdiction of the same for the recovery of the sum so assessed in any such lot or lots, and shall recover of such owner or owners of such lot or lots, the sum at which they were assessed, together with seven per cent: interest on the same after the expiration of the said three months, together with the costs of suit, and the expence of advertising.

*And be it further enacted,* That the said commissioners shall have power, and they are hereby authorized, to levy, assess, and collect the aforesaid tax, in two or more installments, as they shall deem expedient; and the said commissioners shall before they enter upon the execution of their said office, severally give bonds to the people of the State of New York, in the penal sum of five thousand, two hundred and fifty dollars, conditioned for the true and faithful performance of the duties of his office as one of the commissioners under this act, which bond shall be forthwith deposited with the comptroller of this State; and the said commissioners shall at least once in every year render a true and accurate account of all the monies by them received and expended, and of the state of the improvements of the navigation by them made, to the trustees for the time being of the villages of Lansingburgh and Waterford; a copy of which account shall be filed with the comptroller of this State, by the said trustees.

Bond of  
commis-  
sioners.

*And be it further enacted,* That the said commissioners shall and may cause the sum of eight hundred and fifty dollars, to be levied and assessed upon all the lands and building in the village of Waterford, in the same manner and form, and under the same regulations and conditions, as in this act is provided for levying and collecting the aforesaid tax in the village of Lansingburgh.

Assess-  
ment on  
Waterford.

*And be it further enacted,* That the comptroller of this State for the time being shall and he is hereby directed, whenever the commissioners shall produce to him a certificate in writing, signed by them or a major part of them, that they have raised and collected by virtue of this act, the sum of one thousand, two hundred and fifty dollars, to issue his warrant to the treasurer of this State to pay to the said commissioners, the sum of three thousand seven hundred and fifty dollars, out of any monies then in the treasury not otherwise appropriated, to be applied by them to the purposes aforesaid; and if there shall be no money in the treasury unappropriated, the comptroller is hereby directed to borrow the said sum of three thousand seven hundred and fifty dollars, in the manner directed by the act for appointing a comptroller within this State.

Appropriation from  
State treasury.

*And be it further enacted,* That the act entitled "An act to improve the navigation of Hudsons river, in the places therein mentioned, passed the first day of April 1796, as relates to the granting of three thousand seven hundred and fifty dollars to Jacobus Van Schoonhoven, Charles Yelden and George Tibbits, commissioners for making improvements in Hudson's river, between Meadow creek and Mill creek, be and the same is hereby repealed.

Act recited  
repealed.

Vacancy in  
assessors.

*And be it further enacted*, That if the freeholders in any or either of the said villages, shall neglect or refuse to elect assessors as aforesaid, or in case any or either of the assessors so chosen in and for either of the said villages, shall refuse to serve, or die or remove out of the village for which he shall be chosen, or become incapable of serving, and the freeholders of the village for which he shall be chosen, shall not within fifteen days after such refusal, death, removal or incapacity happens, choose another in the room of such person so refusing to serve, or dying, or removing, or becoming incapable of serving, then and in every such case, it shall and may be lawful for any three of the justices of the county residing within the said village or near to the same, and they are hereby required, to nominate, and by warrant under their hands and seals, to appoint all and every such assessor as the freeholders ought to have chosen as aforesaid; and each and every of the assessors so appointed, shall hold his office for so long a time, and have the same powers, and be liable to the same penalties, as if he had been elected to the same office by the freeholders of the said village.

Time allowed.

*And be it further enacted*, That the said commissioners shall within three years from this first day of November next, do and perform all and singular the duties required of them, or which they are by this act authorized to do and perform, after which time the several powers given and granted by this act shall cease.

Account-  
ing by  
commis-  
sioners.

*And be it further enacted* That the said commissioners shall account with the comptroller of this State for the expenditure of the said sum of three thousand seven hundred and fifty dollars, within three years after they shall have received the same; and if the said sum of money or any part thereof shall not have been then expended in the improvements directed by this act, that the commissioners shall repay the same into the treasury of this State.

## CHAP. 21.

AN ACT to amend the act entitled "An act to incorporate the Cayuga Bridge Company.

PASSED the 1st of March, 1799.

Time ex-  
tended for  
building  
Cayuga  
bridge.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly*, That the time limited in and by the act hereby amended for completing the bridge across the Cayuga lake, shall be and hereby is extended to the first day of May in the year one thousand eight hundred and one, and if the said bridge shall be completed within that time, then the said Cayuga Bridge Company shall be continued for the period of seventy five years, from and after the passing of this act.

Ferries not  
to be es-  
tablished.

*And be it further enacted*, That it shall not be lawful for any person or persons, to erect any bridge, or establish any ferry or ferries within three miles of the place, where the bridge aforesaid shall be erected and built by the said company, neither shall it be lawful for any person or persons to cross the said lake, after the aforesaid bridge is completed, within three miles thereof, without paying to the corporation for their use, the toll established by law; but it shall and may be lawful for any person or persons to pass and repass with his or their own boat, without being subject to such toll.

*And be it further enacted,* That all such inhabitants as reside within three miles of the said bridge, shall not be subject to the payment of any toll for passing and repassing the said bridge on foot, for the term of seven years from and after the passing of this act. Exemption from toll.

*And be it further enacted,* That in case the aforesaid bridge shall not be erected, built and compleated, on or before the first day of May in the year of our Lord one thousand, eight hundred and one, then the corporation created by the act hereby amended, shall be adjudged and considered as dissolved. Corporation dissolved if bridge not built.

*And be it further enacted,* That it shall and may be lawful for the said corporation to demand, receive and take for the use of said bridge, a toll not exceeding the following rates, vizt. Every four wheel pleasure carriage drawn by two horses, one dollar, if drawn by four horses, one dollar and twenty five cents; every two wheel pleasure carriage drawn by one horse, fifty cents; and if drawn by two horses, sixty two and an half cents; every waggon and two horses, fifty six cents, and one quarter if drawn by four horses seventy five cents, each sled and horses, thirty seven and an half cents; each ox cart and two oxen, fifty six cents and one quarter. each other yoke of oxen, twenty cents; every one horse cart twenty five cents; every one horse sled twenty five cents; every ox sled drawn by one yoke of oxen, thirty seven and an half cents; every other yoke of oxen twenty cents; every man and horse twenty five cents; every foot passenger six cents; every horse, jack or mule ten cents; every cow or other neat cattle, six cents; every sheep, hog or calf one and a half cents. Rates of toll.

*And be it further enacted,* That from and after the expiration of the aforesaid term of seventy five years, the said bridge with its appurtenances, together with the road or highway leading through the lands of the said corporation, on each side of the said bridge, shall become the property of, and be vested in the people of this State.— After seventy-five years bridge to revert to State.

*And be it further enacted* That so much of the first enacting clause of the act entitled "An act to incorporate the Cayuga Bridge Company," passed the 28th of March 1797, as respects the duration of said corporation, and the fifth sixth and seventh sections of the said act shall be and the same are hereby repealed: *Provided nevertheless* that any troops in the service of this State or any of the United States, and all artillery, all wagons and other carriages and stores of every kind belonging to this State or to the United States, shall pass said bridge without paying toll. Part of act repealed.

*And be it further enacted* That if the said bridge after the same shall have been compleated, shall at any time during the said period of seventy five years be impassable for the term of thirty days, that the said corporation shall be and the same is hereby declared in such case to be dissolved. *Provided nevertheless* that no such dissolution of the said corporation shall take place by reason of the said bridge being carried away by the ice, if the said bridge shall be built within eighteen months after the same shall have been so carried away; *and provided also* that nothing in this act contained shall prevent the erection of one or more ferry or ferries at any of the places in this act designated whenever the said bridge shall be carried away as aforesaid, and to continue the same until it shall be rebuilt. Dissolution of corporation if bridge becomes impassable.

## CHAP. 22.

AN ACT to amend the act entitled "An act to incorporate that part of the town of Schenectady therein mentioned."

PASSED the 1st of March, 1799.

Firemen to  
be ap-  
pointed.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That it shall be lawful for the mayor aldermen and assistants of the first and second wards of the city of Schenectady, to nominate and appoint out of the inhabitants of said city, residing and dwelling on the south side of the Mohawk river, and not more than three quarters of a mile from the Dutch Church, a sufficient number of able discreet and sober men, not exceeding forty in number, being freeholders or freemen of said city, to have the care, management, working and using the fire engines and the tools and instruments now or hereafter to be provided for extinguishing fires within the said city, which persons so to be nominated and appointed as aforesaid, shall be called the firemen of the city of Schenectady, who are hereby required to be ready at all times as well by night as by day to manage work and use the said fire engines and other tools and instruments aforesaid.

Exemptions.

*And be it further enacted* That each of the persons so to be nominated and appointed a fireman, shall during his continuance as one of the firemen be exempted and privileged from serving in the office of constable and overseer of the highways, and of and from serving as jurors, and of and from serving in the militia, except in cases of invasion or other imminent danger, and for this purpose the name of each fireman to be appointed shall be entered with the clerk of the said city, and his certificate shall be sufficient evidence in all courts and elsewhere of such exemption; *and further* that the said mayor aldermen and assistants or the major part of them when convened shall have power from time to time to remove any fireman so to be appointed and others to appoint instead of those removed, when and as often as they shall think proper; *and further* to make establish and ordain such rules and regulations for the government duty and behavior of the persons so to be appointed firemen as aforesaid, in the working and frequent using and trying the said fire engines, tools and instruments, and to impose such reasonable fines and penalties upon such firemen or any of them, for default in performing the duties thereby to be enjoined or required from them, as they from time to time may think proper.

Duty of  
peace of-  
ficers at  
time of  
fire.

*And be it further enacted* That upon the breaking out of any fire within the said city, the marshal and constables then being in the said city, upon discovery or notice thereof, shall immediately repair to the place where such fire shall happen with their staves and other badges of authority, and be aiding and assisting as well in extinguishing the said fires, as in preventing any goods from being stolen, and also in removing and securing the same; and in the execution of the duties required of them by this act, shall, in all respects, be obedient to the mayor aldermen and assistants of the said city, or such of them as shall be present at any such fires.

Fire  
buckets

*And be it further enacted* That it shall and may be lawful for the said mayor, aldermen and assistants or the major part of them in common council convened to direct and require the inhabitants or

owners of dwelling houses and other buildings in the said city within the limits aforesaid, to provide themselves with such and so many fire buckets to be ready in such houses and buildings for the purpose of extinguishing fires, and to impose such reasonable fines and penalties for disobedience thereof as they may think proper.

*And be it further enacted* That it shall and may be lawful to and for the mayor aldermen and assistants aforesaid as soon as conveniently may be after the passing of this act and annually thereafter, to order the raising a sum not exceeding four hundred dollars by a tax on the estate, real and personal of all and every the freeholders and inhabitants living or dwelling in that part of said city which lies to the southward of the Mohawk river and not more than three quarters of a mile from the Dutch church, to be applied to the payment of so many watchmen as the mayor aldermen and assistants or the major part of them may think necessary for guarding the said city, which said sum shall be rated and assessed by the assessors of the first and second wards of said city and levied and collected in the same manner as now are or hereafter may be by law directed, for levying and collecting the tax for the maintenance of the poor and other contingent charges within the said city, and that the said monies shall be paid into the hands of the treasurer of the said city to be applied and disposed of from time to time in such manner for the purposes herein before mentioned, as the said mayor aldermen and assistants or the major part of them shall direct and appoint.

Tax levy  
for watch-  
men.

*And be it further enacted* That it shall and may be lawful, and it is hereby declared the duty of the mayor aldermen and assistants of the four wards of the said city from year to year to appoint a commissioner of excise in each of the third and fourth wards of the said city, whose duty it shall be to grant all licences and permits for keeping inns and taverns and retailing spirituous liquors in their respective wards subject nevertheless to the approbation of the mayor aldermen and assistants of the said city, to be signified by affixing the common seal of the said city to every such permit at the time of granting the same; and further that so much of the hereby amended act as vests the power of granting licenses as aforesaid within the said third and fourth wards in the mayor of said city, shall be and is hereby repealed.

Commis-  
sioners of  
excise.

*And be it further enacted* That it shall be lawful for the mayor of the said city, and the aforesaid commissioners to be appointed, to exact and receive for all permits and licenses to be granted by them respectively in virtue of the hereby amended act, or of this act, from the persons to whom the same shall be granted, the like sums as a duty of excise, and the same fees as are now receivable by the commissioners of excise within the several towns of this State; and the monies arising from the said duty of excise shall be paid to the treasurer of said city, to be appropriated by the mayor and common council towards supporting and maintaining the poor of the said city.

License  
fees.

*And be it further enacted* That the bye-laws of the common council to be made pursuant to the twenty ninth section of the said hereby amended act, shall in no wise extend beyond the limits of the first and second wards of the said city, anything in the s'd. hereby amended act to the contrary notwithstanding.

By-laws.

*And be it further enacted* That the act entitled "An act authorizing the justices of the peace residing in that part of the town of Schenectady therein mentioned" to raise a sum annually by tax for the support of a night watch" passed the 9th day of April 1795, shall

Act recited  
repealed.



be from and after the first day of June next, repealed, except as to any proceedings instituted under the said act on or before the said first day of June —

## CHAP. 23.

### AN ACT to incorporate the Society of the Lying-in Hospital of the City of New York.

PASSED the 1st of March, 1799.

**Preamble.** WHEREAS Thomas Pearsall, John Christopher Kunze, Robert Lenox, Cornelius Ray, Archibald Gracie, John Stark Robertson, Henry Remsen, William Houston, Andrew Hamersly, John Charlton, David M. Clarkson, William Jauncey, J. C. Vanden Heuvel and others, influenced by principles of benevolence and charity, associated as an institution, under the style of "The Society of the Lying-in Hospital of the City of New York" for the useful purpose of establishing an asylum for the reception of women, in a state of pregnancy, who are unable to procure the necessary medical assistance and nursing, during the period of their confinement in child-bed, by their petition presented to the legislature, have prayed to be incorporated, the better to enable them to carry into effect the salutary object of their institution. Therefore

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That all such persons as now are, or hereafter shall be, members of the said institution, shall be and hereby are ordained, constituted and declared, forever a body corporate and politic, in fact and in name, by the name of "The Society of the Lying-in Hospital of the City of New York" and by that name, they and their successors, shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors, may have a common seal, and may change and alter the same at their pleasure; and also that they and their successors, by the name of "The Society of the Lying-in Hospital of the City of New York," shall be in law capable of purchasing, receiving, holding and conveying, any estate real or personal, for the use of the said corporation. *Provided* that the lands, tenements and hereditaments, which it shall be lawful for the said corporation to hold, shall be only such, as shall be requisite for the purpose of erecting a public building, and such houses or other buildings, as may be suitable and necessary, to the nature of the said institution, or such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted, in the course of its business, or purchased at sales on judgment, which shall have been obtained for such debts, and with regard to all such lands, tenements and hereditaments, so to be held by the said corporations, as aforesaid, except such as may be for its immediate accommodation as aforesaid, or such as it may hold by way of mortgage, and whereof the actual possession shall be and remain in the mortgagors, their heirs or assigns, the said corporation shall be bound to sell and dispose of the same respectively,

Lying-in  
Hospital  
incorpora-  
ted.

within five years after it shall acquire the same and shall not be capable of holding the same, after the expiration of the said five years.

*And be it further enacted,* That all persons who now are members of the said institution, or who shall at any time hereafter subscribe to the same, shall be deemed and taken for members of this corporation, and that the property and concerns of the said corporation, shall be managed and conducted by thirteen governors, to be chosen by ballot, by and from the said subscribers; that the following persons, (that is to say) Thomes Pearsall, John Christopher Kunze, Robert Lenox, Cornelius Ray, Archibald Gracie, John Stark Robertson, Henry Remsen, William Houston, Andrew Hamersly, John Charlton, David M. Clarkson, William Jauncey, and J. C. Vanden Heuvel shall be the present governors of the said corporation, and shall continue in office until the second Wednesday in April, in the year one thousand and eight hundred, when a new election shall be made, at the hour and place, to be appointed by the said governors; that the election for governors after the year one thousand and eight hundred, shall be held annually on the second Wednesday of April, at such place and hour, as a majority of the governors for the time being shall appoint, of which election, public notice shall be given by the said governors, for the space of one week, in two of the daily news papers printed in the said city. That if any vacancy shall happen among the said governors, (so elected) by death, resignation or removal, such vacancy shall be filled by a special election for the purpose, to be held in the same manner, as the annual elections are made, and at such time and place as shall be provided for by the bye-laws of the said corporation, and in case it should happen, that an election of governors should not be held, on any day when pursuant to this act it ought to have been made, the corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful, on any other day, to hold an election of governors, in such manner as the bye-laws of the said corporation shall prescribe.

First  
board of  
governors;  
elections.

*And be it further enacted,* That the governors shall not take or receive any compensation for their services; and for the time being shall have power, to make and prescribe such bye-laws, rules and regulations, as to them shall appear needful and proper touching the management and disposition of the stock, property, estate and effects, of the said corporation, and touching the duties and conduct of the officers of the said corporation, and touching all other matters as appertain to the business, ends and purposes, for which the said corporation is by this act instituted; and shall also have power, to appoint an apothecary, house, pupils, matron, stewards, nurses and servants, for carrying on the business of the said institution. *Provided* that for the appropriation or disposal of any of the capital stock a number not less than seven shall constitute a quorum, of which number the president or in his absence the vice president of the board, to be appointed in virtue of this act, shall be one, *provided also*, that such bye-laws, rules and regulations, shall not be repugnant to the constitution and laws of the United States, or of this State.

By-laws,  
etc.

*And be it further enacted,* That the governors at their first meeting, and also at the first meeting in every year next after the said annual election on the second Wednesday in April, shall elect by ballot, from their number, a president, vice president, a treasurer and a secretary, and that the officers thus elected, shall immediately enter upon their respective offices, and hold the same until the next election of governors, and it shall be the duty of the president or vice president, to preside at all meetings of the governors.

Officers.

thence northerly on the bounds of said county to Lake Ontario, thence along the lake to the west line of the township known and called by the name of Hannibal, thence along the west and south bounds of that township, to the township called Lysander, thence on the west line of Lysander to Cross lake in the Seneca river, thence in the straightest direction to that point, where the west line of the township of Camillus touches the aforesaid river, thence on the west line of Camillus to the south line thereof, thence easterly along the said south line to the northwest corner of the town of Marcellus, thence along the westerly and southerly lines of the said township to the Skaneateles lake, thence southerly on the westerly shore of the same to the township of Tully, thence between the townships of Tully and Sempronius, Homer and Locke, Virgil and Dryden, to the county of Tioga, thence in the north line of that county, to the place of beginning, shall be one separate and distinct county, and shall be called and known by the name of Cayuga; and all the residue of the said county of Onondaga, shall be and remain a separate county by the name of Onondaga.

Courts in  
Cayuga  
county.

*And be it further enacted,* That there shall be held in and for the said county of Cayuga, a court of common pleas, and a court of general sessions of the peace; and that there shall be three terms of the same courts in the same county in every year, to commence and end as follows vitz: The first term of the said courts shall begin on the third Tuesday in May, and may continue to be held until the Saturday following inclusive; and the second term of the said courts shall begin on the third Tuesday in September, and may continue to be held until the Saturday following inclusive; and the third term of the said courts shall begin on the third Tuesday of January, and may continue to be held until the Saturday following inclusive — And the said courts of common pleas and general sessions of the peace shall have the same jurisdiction, powers, and authority in the said county, as the courts of common pleas and general sessions of the peace in the other counties of this State, have in their respective counties: *Provided* that nothing in this act contained shall be construed to affect any suit or action in any court whatever, already commenced, or that shall be commenced before the fourth Tuesday of May next so as to work a wrong or prejudice to any of the parties therein, or to effect any criminal or other proceedings on the part of the people of this State, but all such civil and criminal proceedings, shall and may be prosecuted to trial, judgment and execution, as if this act had never been passed.

Where  
held.

*And be it further enacted,* That the said courts of common pleas and general sessions of the peace in the said county of Cayuga shall be held at the Cayuga ferry in the village of Cayuga and town of Aurelius.

County  
privileges.

*And be it further enacted,* That the freeholders and inhabitants of the said county hereby erected, shall have and enjoy all and every the same rights, powers and privileges, as the freeholders and inhabitants of any other county in this State are by law entitled to have and enjoy.

Where  
prisoners  
confined.

*And be it further enacted,* That it shall and may be lawful for all courts and officers of the said county of Cayuga in all cases civil and criminal, to confine their prisoners in the goal of the county of Ontario, until a goal shall be provided in the said county of Cayuga.

Onondaga  
courts.

*And be it further enacted,* That the courts of common pleas and general sessions of the peace in and for the county of Onondaga, shall hereafter be held at the house of Samuel Tyler in the town of Onondaga in the same county.

Assembly-  
men.

*And be it further enacted,* That the said counties of Onondaga and Cayuga respectively, shall be entitled to choose each one member of

assembly in the same manner, as the other counties in this State are by law entitled.

*And be it further enacted,* That all that part of the town of Sempronius lying east of Skaneateles lake, shall be annexed to the town of Fabius in the county of Onondaga. Sempronius,  
town of.

*And be it further enacted,* That all that part of the town of Marcellus in the said county of Onondaga, comprehended within the bounds of the township of Camillus, shall be and is hereby erected into a separate town by the name of Camillus, and the freeholders and inhabitants shall be entitled to all the privileges, and be subject to the same restrictions and penalties, that other towns in this State are by law entitled and subject to; and that the first town-meeting shall be held at the house of Moses Carpenter. Marcellus,  
town of.

*And be it further enacted,* That it shall be the duty of the supervisors of the said counties of Onondaga and Cayuga to meet together on the second Tuesday of June next, at the dwelling house of the said Moses Carpenter in the town of Camillus, and adjust all accounts; and apportion all monies in the hands of the treasurer of the said county of Onondaga, and all monies for schools received or to be received for that purpose, as to them, or a majority of them shall appear just and equitable. Apportion-  
ment of  
moneys.

*And be it further enacted,* That all the records of the courts of common pleas, the files and papers relative to all lands or conveyances of lands in the now county of Onondaga, which have been heretofore by law directed to be filed in the clerk's office of the county of Albany, which are now filed in the clerk's office of the county of Onondaga, and all records of deeds of lands in said county of Onondaga, records of all mortgages of lands in said county registered or recorded, shall be delivered to the person who may be appointed clerk of the county of Cayuga, and remain in the office of the clerk of the said county of Cayuga; *provided* that nothing in this act, shall in anywise affect the law relative to settling disputes concerning the titles to lands in the county of Onondaga. Records of  
Onondaga  
county.

## . CHAP. 27.

**AN ACT** to explain the law and rectify mistakes respecting the payment and remission of quit-rent.

PASSED the 15th of March, 1799.

**Preamble.**  
WHEREAS it is supposed by some proprietors of lands charged with quit-rents, that by virtue of the act "concerning the collection and commutation of quit-rents and for other purposes," passed the twenty-fourth day of March, in the year of our Lord one thousand seven hundred and ninety one, they have still a right to pay all the arrears which accrued before the first day of May in the year of our Lord one thousand seven hundred and ninety three, in any stock created under the authority of the United States of America, which is contrary to the intention of the said act. Therefore

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That all arrears of quit-rent as well such as accrued before, as such as have accrued since the first day of May in the year of our Lord one thousand seven hundred and ninety three, shall be paid in money, and not in stock, anything in the said act to the contrary notwithstanding. Arrears  
payable in  
money.

*And whereas* mistakes have happened in some instances by crediting payments to the wrong patent, and in some instances certificates given for remission of quit rent to persons who were driven from their farms during the late war by the incursions of the enemy, on account of mistakes as to the date of the patent, or the names of the patentees, or the number of the lot, have not been entered by the late auditor, or have been credited to the wrong patent or lot, so that the owner of the land intended to be discharged from quit-rent remains chargeable with the same; and in some cases, certificates duly obtained were not delivered to the auditor; for remedy whereof

Correction  
of mis-  
takes.

*Be it further enacted* That the comptroller shall be and hereby is directed to rectify all such mistakes upon discovery thereof, and where any credit has been so improperly given, it shall not operate as a discharge, but the comptroller shall charge such land with the quit-rent in the same manner as if no such credit had been given; and in all cases where any certificate for remission of quit-rent was duly obtained and has not been entered, it shall be lawful for the comptroller to receive and file the same in his office, and to make a proper entry thereof, which shall be as effectual as if the same certificate had been entered in due time by the late auditor.

*And whereas* it is provided by the act entitled "An act for the collection of quit-rents" that the lands to be sold by virtue of and in pursuance of this act shall be surveyed and laid out in one entire piece, and at one side or end of the tract out of which the same shall be sold, which is impracticable in cases where the quit-rent is or shall be paid or discharged by commutation or otherwise on undivided parts of the tract, or on particular lots or parts of such tract, therefore

Sale of  
lands by  
sheriff.

*Be it further enacted*, That in all such cases, it shall be lawful for the sheriff to sell and convey any part or proportion of the residue of such tract and without causing any survey thereof to be made, any thing in the said act to the contrary notwithstanding.

## CHAP. 28.

### AN ACT for the relief of Nathan Wilson and John Warford.

PASSED the 15th of March 1799.

Preamble.

WHEREAS it appears to the legislature, that Alexander Webster late commissioner of forfeitures in the eastern district of this State did, (through mistake), convey to Nathan Wilson of Salem in the county of Washington, one undivided fourth part of lot number one hundred and thirty five in the town of Salem aforesaid instead of one fourth part of lot number one hundred and thirty six, and the said Nathan Wilson praying relief in the premises; therefore

Error cor-  
rected in  
grant to  
Nathan  
Wilson.

*Be it enacted by the People of the State of New York represented in Senate and Assembly*, That the conveyance made and executed by the said Alexander Webster to the said Nathan Wilson, shall be deemed and adjudged to have vested in him his heirs and assigns from the date thereof, all the right and title of the people of this State, in the one equal undivided fourth part of the said lot number one hundred and thirty six instead of the said lot number one hundred and thirty five.

*And whereas* the said commissioner of forfeitures did convey unto John Warford of Salem aforesaid, one undivided half part of lot

number seventy nine in the said town, and it appearing to the legislature that instead thereof, he ought to have conveyed unto him, the undivided moiety of lot number one hundred and seventy nine: Therefore

*Be it further enacted*, That the conveyance made and executed by the said Alexander Webster to the said John Warford shall be deemed and adjudged to have vested in him his heirs and assigns from the date thereof, all the right and title of the people of this State in the one equal undivided half part of the said lot number one hundred and seventy nine, instead of the said lot number seventy nine.

Id.; to  
John War-  
ford.

## CHAP. 29.

### AN ACT relative to the Oneida Indians.

PASSED the 15th of March, 1799.

WHEREAS Jacob Dockstedder an Oneida Indian by reason of ignorance of the laws of the State, has been subjected to considerable loss in a suit at law with one Benjamin Pierson: *And whereas* it is highly important to preserve unabated the confidence of the Indian tribes in the justice of our laws. Therefore

Preamble.

*Be it enacted by the People of the State of New York represented in Senate and Assembly*, That the treasurer of this State be and he is hereby required, to pay to the said Jacob Dockstedder upon the warrant of the comptroller to be drawn for that purpose, the sum of fifty five dollars, for a reimbursement to him the said Jacob Dockstedder of his loss sustained in the said suit at law with the said Benjamin Pierson.

Appropriation to  
Jacob  
Dockstedder.

And in order to protect the said Oneida Indians from the like impositions and losses in future.

*Be it further enacted* That it shall be the duty of the assistant attorney general of the district in which the Oneida tribe of Indians reside; to advise and direct the said Indians in all controversies that may arise between the said tribe or any individual thereof, and any other person or persons whatever; and to defend any suit or suits that may be instituted against the said Indians or any of them; and also to institute any suit or suits, he may deem necessary and proper for the said Indians; and in case of trespasses committed on the lands reserved for the use of the said Indians, to bring such action or actions, in the name of the Oneida Indians as may be necessary to recover damages for such trespasses; and the monies so to be recovered, after deducting the expences attending the recovery, shall be paid over by such assistant attorney general to the treasurer of this State, to and for the use of the said Indians; and it shall be sufficient in the declarations in such actions or suits to charge the defendant or defendants with having broken and entered the close of the Oneida Indians, and cut taken and carried away the trees timber or other property, as the case may be, then and there being; *provided nevertheless*, that in the prosecution or defence of any such suits or actions as aforesaid, the said assistant attorney general shall observe such advice and directions as shall be given him, if any, by the person administering the government of this State for the time being.

Assistant  
attorney-  
general to  
act for  
Indians.

Compensation.

*And be it further enacted,* That such assistant attorney general shall receive as a compensation in the premises one hundred and fifty dollars per annum, and also fifteen dollars for his services in the said controversy including disbursements to be paid out of the monies placed at the disposition of the governor by the act entitled "An act to provide for the entertainment of Indians visiting the seat of government of this State on business" passed the ninth day of March 1798.

## CHAP. 30.

AN ACT to establish a turnpike corporation for improving the State road from the house of John Weaver in Watervliet to Cherry Valley, and to repeal the act therein mentioned.

PASSED the 15th of March, 1799.

**Preamble.** WHEREAS the bridge over the Schoharie kill on the State road was by reason of the force of the water and ice last spring destroyed, *and whereas* the road on which the aforesaid bridge was erected is of public utility and is one of the principal routs of communication between the city of Albany and the western settlements of this State. Therefore

**Great Western Turnpike Road Company incorporated.** *Be it enacted by the People of the State of New York represented in Senate and Assembly* that William North, John Taylor, Abraham Ten Eyck, Charles R. Webster, Calvin Cheesman, Zenas Pineo, Ephraim Hudson, Joseph White, Elihu Phinney and Thomas Maclin, and all such persons as shall associate for the purpose of making a good and sufficient road from the house where John Weaver now lives in the town of Water Vliet in the county of Albany following the State road westward to the house where John Walton now lives in the town of Cherry Valley in the county of Otsego shall and are hereby created and made a corporation and body politic in fact and in name by the name of President, Directors and First Company of the Great Western Turnpike Road, and the said corporation shall by that name be capable in law to purchase have hold enjoy and retain to them and their successors lands tenements and hereditaments, goods, chattels and effects of every kind whatsoever and the same or any part thereof to sell, grant, demise, alien or dispose of, to sue and be sued, plead and be impleaded, answer and be answered unto defend and be defended in all courts of record or any other place whatsoever; *provided* that the lands so to be purchased as aforesaid shall be such only as may be necessary to carry into effect the object of this act, and shall not exceed in value the sum of two thousand dollars.

**Commissioners to take subscriptions; election of directors.** *And be it further enacted* That William North, Charles R. Webster, John Tayler, Zenas Pineo, Elihu Phinney, Joseph White, Ephraim Hudson and Calvin Cheesman be and they are hereby appointed commissioners to do and perform the several duties herein after mentioned, that is to say, they shall on or before the first day of July next procure five books and in each of them enter as follows, we whose names are hereunto subscribed do for ourselves and our legal representatives promise to pay to the President, Directors and Company of the Great Western Turnpike Road the sum of forty dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportion, and at such time and place as shall be deter-

mined by the said president directors and company; and the said books shall be deposited with such persons and opened at such time and places as the said commissioners may direct and every subscriber shall at the time of subscribing pay unto either of the said commissioners ten dollars for each share so subscribed, and the said commissioners shall as soon as one hundred shares shall have been subscribed cause an advertisement to be inserted in one of the news papers printed in the city of Albany and in the newspaper printed in Coopers Town giving at least thirty days notice of the time and place the said subscribers shall meet for the purpose of choosing thirteen directors (who shall be stockholders) for the purpose of managing the concerns of the said company for one year, and the day on which the directors shall be chosen shall for ever hereafter be the anniversary day for choosing directors, and the said directors, elected by a plurality of votes of the stockholders present shall immediately proceed to the choice of one of their number for president, and the said president and directors may meet from time to time, and shall have power to make such bye-laws, rules, orders & regulations, not inconsistent with the constitution or laws of this State or of the United States as may be necessary for the well ordering the affairs of the said corporation, *provided* that no bye laws or regulation shall give or allow more than ten votes to any one stockholder, and that each person shall be entitled to one vote for every share by him held under the said number;

*And be it further enacted* That not less than seven directors shall constitute a board for the transaction of business, of whom the president shall always be one, except in case of necessary absence in which case his place shall be supplied by another director whom he by writing under his hand shall nominate. Quorum.

*And be it further enacted* That the said president and directors may continue to receive subscriptions to the stock of the said corporation until two thousand shares shall have been subscribed. Limit of stock.

*And be it further enacted* That if it shall appear to the said president and directors, that if by deviating from the state road so called the distance between the places designated for the commencement and ending of the said road can be materially shortened, it shall be lawful for the president and directors to make such alterations as may be found necessary and to lay the road herein contemplated to be made in and through any inclosed improved or unimproved lands, and with their carriages beasts, tools and implements to enter in and upon any lands contiguous to the said road and to carry away any timber, stones, gravel, sand or other earth being more conveniently situated for making or repairing said road and to use the same in carrying on the said work, the said president and directors paying the owner or owners of the land so to be laid out as part of the road the value of the land or of the materials aforesaid as the case may be together with such reasonable sum for damages as may be agreed on, and in case of disagreement between the parties as to said value or damages, the same shall be determined by an appraisement to be made on oath of three, or if they disagree of two indifferent freeholders, to be mutually chosen or (if the owners of the said land or materials refuse or neglect to join in the choice) to be appointed by any justice of the peace of the county in which the lands or property in dispute shall lie. Change of route from State road.

*And be it further enacted* That it shall be lawful and it is hereby made the duty of the president and directors to make and repair the said road from the before named John Weavers in the town of Watervliet, to the before named John Waltons in the town of Cherry Valley Manner of repairing road; bridge.



in the best manner their funds will admit, either by bedding the same or such part thereof as may be necessary with stone or other hard substance or by ditching on each side raising the low places, and digging down the hills in such manner as to make the same passable and convenient for loaded carriages, and the said president and directors are hereby empowered to commence their operations by making a good and sufficient bridge over the Schoharie kill at or near the place where the former bridge on said state road stood.

Order in which work to be done.

*And be it further enacted* That the said president and directors after completing the bridge aforesaid may and shall continue their operations by making and repairing such part or parts of the said road as they may judge will be most conducive to the convenience of travellers and so from time to time until the whole is completed and finished.

Toll gate at bridge.

*And be it further enacted* That as soon as the bridge aforesaid shall be completed and finished it shall be lawful for the president and directors to erect a gate and turnpike upon and across the said bridge and to ask, demand and receive from all and every person and persons who shall cross said bridge the same tolls and duties herein after granted to the said corporation for every ten miles of said road.

Collection of toll at bridge.

*And be it further enacted* That as soon as the aforesaid bridge is completed and made fit and convenient for travellers to pass and re-pass the president and directors may appoint a toll gatherer to collect and receive of and from all and every person and persons crossing said bridge the tolls and duties herein after mentioned and no more.

Examination of road by direction of governor.

*And be it further enacted* That as soon as any part of the said road not less than ten miles in any place or part thereof is made passable and convenient as aforesaid, notice thereof may be given to the person administering the government of this State who shall thereupon forthwith nominate two or more persons to view the same, whose duty it shall be to report to him in writing whether that part of the said road is made and finished in a good and proper manner according to the true intent and meaning of this act and if their report be in the affirmative, then it shall be lawful for the person administering the government of this State by licence under his hand and the privy seal of the State to permit the said president, directors and company to erect and fix so many gates and turnpikes upon and across said road as will be necessary and sufficient to collect the duties and tolls herein after granted to the said corporation, from all persons travelling on the same, *provided* that such gates and turnpikes (except the turnpike on the bridge herein before mentioned) shall be erected at a distance not less than ten miles from each other.

Rates of toll.

*And be it further enacted* That as soon as the whole or any part of the said road shall be completed and permission to erect a gate or gates as aforesaid be granted, the president and directors may appoint toll gatherers to collect and receive of and from all and every person or persons using the said road the tolls and duties herein after mentioned and no more, that is to say, any number of miles not less than ten in length of said road the following sums of money, and so in proportion for any greater or lesser distance or for any greater or lesser number of sheep, hogs or cattle, to wit, for every score of sheep five cents; for every score of hogs five cents; for every score of cattle twelve cents; for every horse and rider or led horse four cents; for every sulkey, chair or chaise with one horse twelve cents; for every chariot, coach, coachee or phaeton twenty five cents; for every stage waggon or other four wheeled carriage drawn by two horses or oxen, twelve

cents, and three cents for every additional horse or ox; for every cart sleigh or sled drawn by two oxen or horses six cents, and for every additional horse or ox two cents; and it shall be lawful for any of the toll gatherers to stop any person riding, leading or driving any horse, cattle, sheep or hogs, sulkey, phaeton, chair, chaise, cart, waggon, sleigh or other carriage of burthen or pleasure from passing through the gates or turnpikes until they shall have respectively paid the toll as above specified, *provided* that nothing in this act shall be construed so as to entitle the said corporation to demand or receive toll of or from any person passing to or from public worship, or to or from his common business on his farm or to or from any mill.

*And be it further enacted* That it shall be lawful for the president and directors at any time after the completion of said bridge and road to lessen the rate of toll or duties or to take away one or more of the gates and turnpikes *provided* three fourths of the stockholders shall agree thereto. Reduction of rates and removal of gates.

*And be it further enacted* That the said corporation shall cause mile stones to be erected or placed one for each and every mile of the said road, on which they shall be permitted to place gates and turnpikes, and on each stone placed as aforesaid shall be fairly and legibly marked the distance of said stone from the city of Albany, and shall also erect guide posts at the intersection of each road leading into and from the said turnpike road, and to which post boards shall be attached on which shall be inscribed the name of the town in which the post stands, and the name of the town or towns to which the road leads in the direction to which the board points, and the said corporation shall also cause to be affixed to each gate or turnpike a printed list of the rates of tolls which may be lawfully demanded. Mile-stones and guide-posts.

*And be it further enacted* That if any person or persons shall break or throw down or deface any of the mile stones, guide posts, hands or boards so erected for the information of the good of the people of this State, or shall cut break down or destroy any of the gates or turnpikes which shall be erected in pursuance of this act, or shall forcibly pass the same without having paid the legal toll at such gate or turnpike such person or persons shall forfeit and pay a fine not exceeding ten dollars nor less than one dollar to be recovered by the treasurer of the corporation to their use in an action of trespass, and if any person shall with his team, carriage or horses turn out of said road to pass the said gates on ground adjacent thereto, and again enter on said road with intent to avoid the toll due by virtue of this act such person shall forfeit and pay three times as much as the legal toll for any such person in passing through such gate or turnpike as aforesaid, to be recovered by the treasurer of said corporation, for the use thereof in an action of debt. Wanton injury to stones, posts or gates.

*And be it further enacted* That if any toll gatherer shall unreasonably delay or hinder any traveller or passenger at any of the gates or shall demand or receive more toll than is by this act established he shall for every such offence forfeit and pay the sum of five dollars to be prosecuted for and recovered before any justice of the peace in the county where such offence shall be committed for the sole use of the person so unreasonably delayed, hindered or defrauded. Unreasonable delay by toll gatherer.

*And be it further enacted* That the shares in the said turnpike road shall be taken deemed and considered to be personal estate and shall and may be transferable, all such transfers shall be made and inserted on the books of the said president, directors and company. Stocks, transfer of.

**Dividends.** *And be it further enacted* That the president and directors of the said corporation shall keep a just and fair account of all monies received by the several collectors of toll on said road, and shall make and declare a dividend of the clear profits and income (all contingent costs and charges being first deducted) amongst the stockholders of the said corporation, and shall on the second Tuesday in January and July in every year publish the half yearly dividend to be made of the said clear profits among the stockholders and of the time and place when and where the same will be paid and shall cause the same to be paid accordingly.

**Statement to be filed with comptroller.** *And be it further enacted* That the said president and directors shall within six months after the said road is completed lodge in the comptrollers office of this State an account of the expence thereof, and the corporation shall annually exhibit to the comptroller a true account or dividend arising from said toll with the annual disbursements on said road.

**Dissolution of corporation.** *And be it further enacted* That the legislature may dissolve the said corporation when the income arising from said toll shall have fully compensated the said corporation for all monies they may have expended in purchasing making repairing and taking care of said road together with an interest thereon at the rate of fourteen per centum per annum, and thereupon the right, interest and property of said road shall be vested in the people of this State and be and remain at their disposal *provided* that if the said corporation shall not proceed to build and finish the bridge aforesaid in two years after the passing of this act, or shall not within five years after the completion of the bridge aforesaid compleat the road aforesaid, according to the true intent and meaning of this act, then and in either of those cases this act shall cease be void and of no effect.

**Act recited repealed.** *And be it further enacted* That the act entitled An act to establish a turnpike corporation for improving the State road from the house of John Weaver in Watervliet to Cherry Valley passed the fourth day of April, one thousand seven hundred and ninety eight be and the same is hereby repealed.

## CHAP. 31.

AN ACT for the disposal of certain timber for the purpose of erecting a bridge over the Schoharie creek.

PASSED the 15th of March, 1799.

**Preamble.** WHEREAS the commissioners appointed by the act entitled "An act for laying out, repairing and improving certain public roads and highways within this State" did appropriate the sum of five hundred pounds towards erecting a bridge over Schoharie creek near the house of Asa Waterman in the town of Florida; and whereas the said bridge has been broken up and removed: Therefore

**Bridge over Schoharie creek in Florida.** *Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That if any number of persons within the towns of Florida and Charleston in the county of Montgomery shall associate together, and before the first day of June next, obtain by subscription or otherwise, a sum sufficient in the opinion of the superintendents of highways for the county of Montgomery for erecting a bridge at or near the place, where the former bridge was erected, then all the right

and title of this State to the timber and plank that composed the said former bridge, shall be and is hereby vested in such persons so associated for the sole purpose of erecting such bridge: But if no such association shall be formed, or if money sufficient for the purpose of erecting such bridge shall not be obtained within the time aforesaid, then all the right, title and interest of the people of this State in and to the timber and plank that composed the former bridge afore mentioned, shall be and is hereby vested in Silvenus Wilcox and William Gordon, for the sole purpose of repairing or erecting a bridge over the Schoharie creek, immediately above the first falls in the said creek: *Provided nevertheless* the said Silvenus Wilcox and William Gordon shall on or before the first day of July next, execute to the superintendants of highways for the county of Montgomery, a bond in the penal sum of double the value of all such timber and planks as aforesaid, conditioned that they will erect or cause to be erected within one year thereafter, a good and sufficient bridge over the Schoharie creek immediately above the first falls in said creek, and that the same when completed shall be free for public use.

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## CHAP. 32.

AN ACT to divide the town of Mexico in the county of Oneida.

PASSED the 15th of March, 1799.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That from and after the first Monday of April next, all that part of the town of Mexico included within the following bounds, vizt. Beginning at the northwest corner of township number four in George Scriba's patent, thence southerly and easterly on the line between townships number four and five, six and seven, ten and eleven to the Oneida Lake, thence easterly along the north side of the said lake to the mouth of Wood creek, thence up said creek to where the same is intersected by the line of division between townships number two and nine, thence north on the line between the townships number two and nine, until the same is intersected by the main branch of Fish creek, thence up said creek following the said main branch thereof to the north bounds of Scriba's patent, thence westerly on the north bounds of said patent to the place of beginning, shall be and is hereby erected into a separate town by the name of Camden; and that the first town-meeting shall be holden at the dwelling house of Samuel Royce in said town, and all the residue of the said town of Mexico shall be and remain a separate town, by the name of Mexico.

Camden,  
town of,  
erected.

*And be it further enacted,* That all that part of township number two in said Scriba's patent lying east of Fish creek, shall be and hereby is annexed to the town of Rome, any former law to the contrary notwithstanding.

Part  
annexed  
to Rome.

*And be it further enacted,* That the freeholders and inhabitants of the said town of Camden are hereby empowered to hold town-meetings, and elect town officers and enjoy all the privileges, and be subject to the like penalties, that the freeholders and inhabitants of other towns in this State are entitled, and subject to by law.

Town of-  
ficers in  
Camden.

## CHAP. 33.

AN ACT to annex part of the town of Jericho in the county of Chenango, to the town of Greene in said county, and to alter the division line between the town of Cobelz Kill, and Sharon in the county of Schoharie.

PASSED the 15th of March, 1799.

Part of  
Jericho an-  
nexed to  
Green.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That all that part of the town of Jericho in the county of Chenango, included in a tract of sixteen thousand acres of land in the township of Clinton, granted to Robert Harper, shall be annexed to and become part of the town of Green in the said county.

Boundary  
between  
Cobleskill  
and  
Sharon.

*And be it further enacted,* That instead of the boundary line between the towns of Cobelz Kill and Sharon in the county of Schoharie established in and by the fifth section of the act entitled "An act for dividing the county of Schoharie into towns," the following shall be the division line between the said towns, to wit: Beginning at a point in the northern boundary line of the county of Schoharie six miles and an half westerly of the northwest corner of the town of Schoharie in the said county, thence southerly in a direct line to the west corner of the dwelling house of Welliam Farris, thence in a straight line to the westerly corner of the dwelling house of John Readington, thence in a direct line to the westerly corner of the dwelling house of Peter Bogardus, and thence in a straight line to the northerly corner of the dwelling house of Joseph Webb, thence in a direct line to the westerly corner of the dwelling house of Nicholas Smith, thence south-westerly to the nearest point in the division line between the counties of Schoharie and Otsego, any thing in the said recited act to the contrary in any wise notwithstanding.

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## CHAP. 34.

AN ACT for the relief of James Bloodgood.

PASSED the 15th of March, 1799.

Appropriation  
to Ann  
Claus.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That it shall be lawful for the treasurer to pay on the warrant of the comptroller to Ann Claus widow of Daniel Claus, the sum of one thousand four hundred and nine dollars and fifty eight cents, the calculated value of her dower in two certain houses and lots of ground forfeited by the attainder of the said Daniel Claus, situate in the city of Albany, and now in the tenure and occupation of James Bloodgood or his lessee, and conveyed on the first day of June in the year one thousand seven hundred and eighty one, by the commissioners of forfeitures, the one of the said houses and lots of ground to the said James Bloodgood, and the other to Morgan Lewis, and which said sum is hereby granted to the said Ann Claus in full satisfaction of her dower of and in the said premises, upon her executing, a release of her dower of and in the aforesaid houses and

lots of ground to the said James Bloodgood, and delivering the same to the said comptroller.

*And be it further enacted* That so much of the act "For the relief of the representatives of Hannah Armstrong deceased and for other purposes therein mentioned" passed the sixth day of April one thousand seven hundred and ninety-six\* as respects the said Ann Claus, is hereby repealed.

Part of act  
repealed.

## CHAP. 35.

AN ACT to erect a town in Clinton county.

PASSED the 15th of March, 1799.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That from and after the Monday preceding the first Tuesday in April next; all that part of the town of Plattsburgh, and all that part of the town of Champlain, beginning on the forty fifth degree of north latitude at the northwest corner of township number seven in a tract of land in the county of Clinton formerly set apart to the use of the troops of the line of this State lately serving in the army of the United States, from thence southerly along the west line of said townships to the southwest corner of township number eight thence easterly along the south bounds of townships number eight and five to the south east corner thereof, thence northerly along the east bounds of townships number five and six to the north east corner thereof, and from thence west on the forty fifth degree of north latitude to the place of beginning: Comprehending townships number five, six, seven, and eight of the said tract aforesaid, shall be and hereby is erected into a separate town by the name of Chateauaga; and that the first town meeting in the said town of Chateauaga, shall be held at the dwelling house of Lemuel Haskins in the said town.

Chateau-  
aga, town  
of, erected.

*And be it further enacted,* That all the remaining part of the town of Plattsburgh shall continue to be, and remain a separate town by the name of Plattsburgh.

Platts-  
burgh.

*And be it further enacted,* That all the remaining part of the town of Champlain shall continue to be and remain a separate town by the name of Champlain.

Cham-  
plain.

*And be it further enacted,* That the freeholders and inhabitants of the said town of Chateauaga shall and hereby are empowered to hold town meetings and to elect town officers as the freeholders and inhabitants in any town in this State may do by law, and that the freeholders and inhabitants of the said town of Chateauaga, and the town officers to be by them elected, shall have the like powers and privileges and be subject to the like regulations and penalties, as the freeholders inhabitants and town officers of the other towns in this State, are entitled and subject to by law.

Town  
officers.

## CHAP. 36.

AN ACT for the relief of the inhabitants of the town of Easton.

PASSED the 23rd of March, 1799.

WHEREAS the commissioners appointed to apportion the poor and audit the unsettled accounts between the towns of Stillwater, Saratoga

Preamble.

\* So in original. Act passed April 6, 1798.

and Easton, did meet agreeable to the direction of an act entitled "An act for apportioning the poor of the late town of Saratoga among the other towns therein mentioned, and for other purposes" passed the first day of April one thousand, seven hundred, and ninety seven; *and whereas* it is represented to the legislature, that the inhabitants of the town of Easton were unable to exhibit their accounts to the said commissioners by reason of their not having had information of the said law; *and whereas* the said commissioners did notwithstanding proceed to audit and adjust the accounts of the said towns of Stillwater and Saratoga, and have reported a ballance against the said town of Easton, without taking into consideration the credits of the said town of Easton. Therefore,

Com-  
mis-  
sioners to  
re-ex-  
amine  
accounts.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That Elisha Powell, Robert Perrigo, and Hugh Peebles the commissioners named in the above recited act be and they are hereby authorized and required to meet again at the house of Ezekiel Ensign in the town of Stillwater on the first Tuesday of June next for the purpose of receiving and reexamining the aforesaid accounts of the several towns aforesaid and report thereon as to the said commissioners or any two of them shall appear just and equitable, and that the former decision of the said commissioners on that subject shall be and hereby is declared to be void and of no effect.

Notice to  
super-  
visors;  
meetings.

*And be it further enacted,* That the said commissioners be and are hereby authorized and required to transmit a written notice to the supervisors of each of the said towns of the time and place of their meeting at least fourteen days previous thereto, and also to adjourn from time to time until they shall have completed the business of their appointment, and that the decision of the said commissioners or a majority of them shall be binding and conclusive between the said several towns.

Town  
clerks and  
overseers  
to attend  
with ac-  
counts.

*And be it further enacted,* That it shall be, and it is hereby made the duty of the said supervisors, forthwith after receiving such notice, to communicate the same to the town clerks, and overseers of the poor of each of the aforesaid towns respectively, to the end that the said town clerks and overseers of the poor, shall and may attend such meeting to exhibit all the aforesaid accounts and the orders of their respective towns relative to the same.

Allowance  
of interest.

*And be it further enacted* That it shall be and it is hereby made the duty of the aforesaid commissioners to add one year's interest to whatever ballance they shall report to be due to either of the said towns.

Collection  
of moneys  
found to  
be due.

*And be it further enacted,* That if after the settlement of the account of the said towns as aforesaid, it shall be found that either of the aforementioned towns hath not paid its proportion towards the maintenance of such poor, and that by reason of such deficiency, any of the said towns hath contributed more than its proportion, that then and in such case, it shall be the duty of the supervisors of the county of Saratoga if a ballance shall be due from any of the towns of the county of Saratoga, and of the supervisors of the county of Washington if the ballance shall be due from the town of Easton; in such county to cause to be raised, levied and collected from the freeholders and inhabitants of the towns from which it shall be so found due, such sum or sums of money as the commissioners or a majority of them shall certify to be due from one town to another, and that the sum or sums so collected as aforesaid, shall be paid to the overseers of the poor of the town specified in the said certificate of the said commissioners or a majority of them.

**CHAP. 37.**

AN ACT relative to part of the south boundary of the county of Columbia.

PASSED the 23rd of March, 1799.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That a due east line drawn from the south banks of the Sawyers Kill on the west side of Hudsons river, continued due east till it meets with a line settled and established between Robert R. Livingston and Zachariah Hoffman deceased and others, as their mutual boundary so far it respected them individually, and thence along the same as far as it runs, and thence the same course continued to the southernmost bend of Roeluff Jansens Kill, shall be and hereby is declared to be the south bounds of the county of Columbia, and the north bounds of the county of Dutchess; and that the said line shall be and hereby is declared to be, so far as the same runs, the southern boundary of the town of Clermont, and the northern boundary of the town of Rhinebeck; *provided nevertheless,* that nothing in this act contained shall be construed in any manner to effect the right, title or claim of any person whatsoever.

Boundary line between Columbia county and Dutchess county.

**CHAP. 38.**

AN ACT providing for the payment of certain contingent charges of the former counties of Herkimer and Tioga.

PASSED the 23rd of March, 1799.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That all county charges which accrued in that part of the former county of Herkimer now included in the county of Oneida, before the division of the said county of Herkimer, and in favour of persons residing in such part of the said county of Herkimer so included in Oneida, and which have not been heretofore allowed against the said county of Herkimer, shall be borne and paid by the said county of Oneida; and for that purpose the supervisors of the said county of Oneida are hereby required to audit and allow all such just and reasonable charges accrued as aforesaid, and cause the same to be levied collected and paid in the same manner as the contingent charges of the said county of Oneida are by law directed to be levied collected and paid.

County charges in Oneida county.

*And be it further enacted,* That all such charges accrued as aforesaid in those parts of the former counties of Herkimer and Tioga now included in the county of Chenango, and which have not been heretofore respectively allowed, shall be borne by the said county of Chenango, and the supervisors of the same county are hereby required to cause the same to be levied collected and paid as aforesaid.

Id., in Chenango county.

*And be it further enacted* That the said counties of Oneida and Chenango shall respectively pay all reasonable charges and expences of supporting such prisoners in the gaol of the said former county of

Support of prisoners in jail.



Herkimer, as were confined in the same gaol before the division of the said county, for offences committed or charged to have been committed in such parts of the said county of Herkimer as were included as aforesaid in the said counties of Oneida and Chenango respectively; and for that purpose, the board of supervisors and judges constituted by the act herein after recited, for inspecting the loan officers accounts of the said county of Herkimer shall audit allow and apportion the said charges and expences as aforesaid; and the supervisors of the same counties shall respectively cause all such charges and expences to be levied and collected as aforesaid, and paid to the treasurer of the county of Herkimer as aforesaid.

Deficiency,  
how borne.

*And be it further enacted,* That in case the monies collected or to be collected under warrants issued by the supervisors of the former county of Herkimer, shall not be sufficient to satisfy the accounts and demands allowed against the same county by the former supervisors thereof, then in that case, the deficiency so arising as aforesaid shall be equally borne by the present county of Herkimer and Oneida; and for that purpose the board of supervisors and judges provided by the eleventh section of the act entitled "An act to divide the counties of Herkimer and Tioga" for auditing the loan officers accounts of the said county of Herkimer, shall ascertain such deficiency as aforesaid and certify the same to the respective boards of supervisors of the said counties of Herkimer and Oneida, and the supervisors of such counties respectively, shall cause the same deficiency to be levied and collected upon the principle of apportionment as aforesaid of the respective counties in the same way and manner as the other contingent charges of the same counties are by law directed to be levied and collected, and such supervisors shall thereupon take order for the payment of such monies so to be collected, to those persons as may hold demands so allowed against the said former county of Herkimer, subject nevertheless to such instructions as the board of supervisors and judges aforesaid may from time to time give in the premises; *provided always* that such deficiency as shall have arisen from the neglect or insufficiency of the collector or collectors of any town, shall be supplied by, and levied and collected from such town so appointing such collector or collectors.

Meetings  
to examine  
loan of-  
ficers' ac-  
counts.

*And be it further enacted* That the future meetings of the supervisors and judges for the examination of the accounts minutes and mortgages of the loan officers of the said former county of Herkimer by virtue of the eleventh section of the said recited act, instead of the first Tuesday of October, shall be holden on the last Tuesday of October in every year.

School  
moneys in  
Chenango  
county.

*And be it further enacted* That the treasurer of the county of Tioga shall out of the first monies which may come into his hands pay to the order of the commissioners of schools in any town now included in the county of Chenango, all monies which such town may have paid to such treasurer for the use of schools in the same manner as if the said county of Tioga had not been divided.

## CHAP. 39.

**AN ACT** to divide the town of Cornwall in the county of Orange.

PASSED the 23rd of March, 1799.

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That all that part of the town of Cornwall in the county of Orange beginning in the south bounds of the town of New Windsor at the north east corner of a tract of land commonly called Van Dam's patent and thence along the east bounds of said patent to the southeast corner thereof, thence southeast until it comes to the top of Schonomonk Mountain thence southwesterly along the top of said mountain to the line commonly called the new northwest line, thence northwest along said line to the division line between the patents of Waayanda and Cheescocks, thence along the said line to the town of Warwick thence northwardly along the line of the towns of Warwick and Goshen to the line of the town of Wallkill and thence east along the said line and the line of the town of New Windsor to the place of beginning, shall from and after the first Monday in April next, be and hereby is erected into a separate town by the name of Blooming Grove, and that the first town meeting in the said town of Blooming Grove shall be held at the dwelling house of John Chandler in said town. Blooming Grove, town of, erected.

*And be it further enacted* That all that part of the said town of Cornwall beginning in the east line of the town of Warwick at the southerly corner of the said town of Blooming Grove and thence southerly along the said line of the town of Warwick to the line of the State of New Jersey thence along the said line to the county of Rock-land thence along the said county of Rock-land to the mouth of Poplopen's Kill, on the west side of Hudson's river, thence a direct line to the southeast corner of the town of Blooming Grove and thence along the same to the place of beginning, shall from and after the first Monday in April next be and hereby is erected into a separate town by the name of Cheescocks, and that the first town meeting in the said town of Cheescocks shall be held at the dwelling house of John Waggon in said town, and that all the remaining part of the said town of Cornwall be and remain a separate town by the name of Cornwall, and that the first town meeting in the said town of Cornwall, shall be held at the dwelling house of the widow of the late Harmen Fisher deceased in said town. Cheese-cocks, town of, erected.

*And be it further enacted* That the freeholders and inhabitants of the said towns respectively shall be and hereby are empowered to hold town meetings and elect such town officers and enjoy all the priviledges and be subject to the like regulations and penalties that the freeholders, inhabitants and town officers of the other towns in this State are entitled and subject to by law. Town of- ficers.

*And be it further enacted,* That as soon as may be after the first Tuesday of April next, the supervisors and overseers of the poor of the towns aforesaid shall by notice to be given for that purpose by the supervisors of the towns aforesaid meet together and apportion the poor maintained previous to the division of the former town of Cornwall, between the said towns; and also to divide all money which now is and will be in the hands of the overseers of the poor previous to the division thereof in an equitable manner, and if the supervisors and Division of the poor.

overseers of the poor cannot agree upon such division of the poor and money aforesaid then and in such case the supervisors of the county shall at their next annual meeting apportion and divide the poor and money as aforesaid in such manner as shall appear to them most just and equitable.

Town  
lines.

*And be it further enacted* That the supervisors of the said respective towns shall cause as soon as conveniently may be after the first Tuesday of April next such parts of the division lines between the said towns which they may judge necessary to be run and marked out, at the expence of the said respective towns, and that the expences that may accrue therein be assessed raised and levied on the freeholders and inhabitants of the said towns respectively in the same manner as the contingent expences of the county of Orange are raised and levied.

## CHAP. 40.

AN ACT relative to the clerks office and loan officers of the former county of Herkimer.

PASSED the 23rd of March, 1799.

Delivery of  
records by  
Herkimer  
county  
clerk to  
clerk of  
Oneida.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the former clerk of the county of Herkimer, now the clerk of the county Oneida, shall deliver to the present clerk thereof, all the records books and papers appertaining to the clerks office of the said former county of Herkimer of what nature and kind soever; excepting only the books in which deeds conveyances or mortgages of lands may have been registered or recorded by the said former clerk of the said county; and such deeds and conveyances as may have been deposited with him while clerk of the same county, shall continue and remain in the custody of the clerk of the county of Oneida, and his successors in office; and that the said records and books so to be retained by the clerk of the county of Oneida, so far as relate to lands in the said county of Oneida, shall be deemed and adjudged the public records of the said county of Oneida; and so far as the same relate to lands in the county of Herkimer they shall be deemed and adjudged to be the public records of the county of Herkimer; and the present clerk of the said county of Herkimer, shall on or before the first day of May next demand and receive from the said former clerk of the said county, all such records books and papers as are above directed to be delivered to him, and shall cause the same to be removed to and deposited in the present clerks office of the same county; and the charges and expences of such removal as aforesaid shall be allowed the said clerk by the supervisors of the said county of Herkimer; and be levied collected and paid in the same manner as the contingent charges of the same county are by law directed to be levied collected and paid.

Division of  
county not  
to affect  
loan officers.

*And be it further enacted* That the division of the said former county of Herkimer, shall not operate to remove the loan officers of the same county, or either of them from office, or in any manner to prejudice their future proceedings therein, notwithstanding the residence of either of the said loan officers in that part of the said county of Herkimer formed into the said county of Oneida.

**CHAP. 41.**

AN ACT to regulate the passing of carriages waggons carts and sleighs by each other in the city of New York.

PASSED the 23rd of March, 1799.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That in all cases of persons meeting each other in any street in the city of New York in carriages waggons carts or sleighs, each person so meeting shall go to that side of the street on his left, so as to enable the carriages waggons carts or sleighs so meeting, to pass each other, under the penalty of five dollars for every offence, to be recovered by an action of debt with costs of suit in any court having cognizance thereof by any person suing for the same.

Passing of  
vehicles in  
New York  
city; pen-  
alty.

*And be it further enacted,* That the proprietor of the carriage, wagon, cart or sleigh neglecting or refusing to turn to the left as above directed, shall be considered, if present at the time of such meeting, as the person committing the said offence, and if absent, then the driver thereof shall be so considered.

Whollable.

**CHAP. 42.**

AN ACT directing certain bills of credit and certificates belonging to this State, to be cancelled.

PASSED the 23rd of March, 1799.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That it shall and may be lawful for the president of the senate, and the speaker of the house of assembly, and the attorney general, and the secretary of this State for the time being, or any three of them, and they are hereby directed on the first Tuesday in June next, and on the first Tuesday in June in every year thereafter, to meet at the office of the secretary of this State; and the comptroller shall thereupon then deliver unto them, all the bills of credit in his possession called new emission, and also all the certificates in his possession signed by John Haring Joseph Gasherie and Thomas Moffatt or any two of them, or by Gerard Bancker late treasurer of this State, or by the late auditor of this State, together with two lists of such bills and certificates containing the date and amount of every such bill and certificate, and the number and value thereof: And they shall compare the said bills and certificates with the said lists thereof and then destroy the said bills and certificates by burning the same to ashes; and shall certify at the bottom of such lists, that they have destroyed all the bills and certificates designated therein; and shall deliver one of the same lists so certified to the said comptroller, and shall deliver the other list so certified as aforesaid to the legislature.

Certain  
bills of  
credit to be  
canceled.

## CHAP. 43.

## AN ACT to divide the town of Thurman.

PASSED the 25th of March, 1799.

Bolton,  
town of,  
erected.

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That from and after the twenty fifth day \* day of March instant, all that part of the town of Thurman, beginning at the mouth of McAulays creek, thence up the said creek until it shall have crossed the road that leads from Lake George to Scroon river five rods from the center of the said road, thence westerly following the course of the said road at the distance of five rods from the center two miles from the place of beginning, then crossing the road at right angles ten rods from the last mentioned corner, thence following the course of the said road at the distance of five rods from the center to Scroon river, thence northerly on the east bank of Scroon river and lake to the south line of Clinton county, thence east on the south line of Clinton county to lake George, thence southerly on the west bank of lake George to the place of beginning, be and the same is hereby erected into a separate town by the name of Bolton; and that the first town meeting be held at the house of John Clawson.

Chester.

*And be it further enacted* That from and after the day above mentioned, all that part of the town of Thurman, beginning on the east bank of Hudsons river where the south line of Clinton county crosseth the said river, thence due east on the south line of Clinton county to the east side of Scroon lake to the west line of the aforesaid town of Bolton, thence southerly on the west line of the said town of Bolton to the north corner of what was formerly called Hyde township, thence south fifty nine degrees west to the river Hudson, thence northwest-erly on the east bank of the said river to the place of beginning, be and the same is hereby erected into a separate town by the name of Chester; and that the first town meeting in said town shall be held at the house of Titus and Jabez Mead.

Thurman.

*And be it further enacted* That all the remaining part of the said town of Thurman shall be and remain a separate town by the name of Thurman —

Division of  
the poor.

*And be it further enacted* That it shall be the duty of the supervisor and assessors of the town of Bolton, and the supervisor and assessors of the town of Chester, to meet together at such time and place as the supervisor of the town of Thurman for the time being shall appoint the same being subsequent to the first Tuesday in April, and previous to the first Tuesday of May next, due notice being given thereof by the supervisor of the town of Thurman to the other supervisors, and then and there to apportion the poor and money belonging to the said town of Thurman previous to the division thereof; and in case the supervisors and assessors so met, shall not agree on such apportionment, then the supervisors of the county of Washington are hereby required at their next annual meeting, on the application of either of the supervisors above mentioned to apportion the poor and money in such manner as to them shall seem just.

Town  
privileges.

*And be it further enacted* That the freeholders and inhabitants of the town of Thurman Bolton and Chester shall be entitled to all the

\* So in the original.

privileges and subject to all the penalties that the freeholders and inhabitants of the other towns in this State are subject and entitled to —

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## CHAP. 44.

AN ACT relative to the clerk's office in the several counties of this State, and the examiners and clerks of the court of chancery.

PASSED the 23rd of March, 1799.

WHEREAS inconveniences have arisen in some of the counties within this State, by the death of the clerks thereof, in the recess of the council of appointment, for the want of some person legally empowered to discharge the duties of the said office until a new appointment could be constitutionally made: For remedy whereof Preamble.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That it shall be the duty of the respective clerks of the several counties within this State as soon as conveniently may be after the passing of this act, by writing under his hand and seal to make some proper person deputy clerk of the same county during the pleasure of such clerk and as often as such deputy clerk shall die or be removed from office, or remove out of the county or become incapable of executing the office, another shall be appointed in his place in the manner aforesaid; and every such deputation or appointment shall be recorded in the office of the clerk of the same county, who shall in case of the death of the clerk thereof, perform all the duties, and receive the emoluments appertaining to the office of clerk of the said county; and be subject to the same penalties that the clerks of the several counties within this State are liable to, until a new clerk for the said county, shall be appointed and sworn in due form of law. Deputy county clerks.

*And be it further enacted,* That it shall and may be lawful for the clerks of the respective counties, to take and receive for their services in the courts of oyer and terminer and general gaol delivery and general sessions of the peace the following fees, vizt, for entering an appearance twelve and an half cents; for a subpoena twenty five cents; for entering an order or rule of court twenty cents; a copy of an order or rule of court, twelve and an half cents; entering a nolle prosequi, or cessat processus, twenty cents; reading and entering an allowance of a pardon twenty five cents; swearing a witness six cents; reading every paper given in evidence, twelve and an half cents; respiting a recognition six cents; discharging a defendant by proclamation, twelve and an half cents, entering defendant's confession twelve and an half cents; entering or filing defendants plea, twelve and an half cents; entering an imparlance twelve and an half cents; for taking a recognition thirty seven and an half cents; entering relinquishment of plea twelve and an half cents; taking and entering verdict when for the defendant twenty cents; taking and entering special verdict for each sheet containing seventy two words twenty cents, copies of records, indictments, informations and pleadings when required for each sheet containing seventy two words, nine cents; and entering allowance of habeas corpus, writ of error or certiorari and returning the same fifty cents. Fees for certain services.

*And be it further enacted,* That no person being bound by recognition to appear to either of the said courts and answer, or indicted Prisoners not to be discharged

until fees paid. and fined, shall be discharged until such person shall have paid the clerk's fees.

Fees for certain services. *And be it further enacted*, That the said respective clerks shall have and receive for entering or registering each mortgage one dollar; and for entering satisfaction on each and every mortgage twenty five cents; and for every search in any one year twelve and an half cents; and for every other year in which such search shall be made, six cents.

Examiners in chancery. *And be it further enacted*, That the examiners of the court of chancery of this State, shall hereafter be allowed and receive at the rates following for their services; for taking the examination of every deponent, for each sheet containing ninety words, twenty five cents; for making a fair copy of the same on paper for the witness to sign, for each sheet, twelve cents, certifying every exhibit shown to a witness on his examination, twenty five cents; copies of all depositions, exhibits and interrogatories when required for each sheet containing ninety words twelve cents; attending court with depositions and exhibits, one dollar.

Clerk of chancery. *And be it further enacted*, That the clerks of the court of chancery shall hereafter be entitled to receive the sum of twenty seven cents for each writ sealed by them respectively.

Record of acknowledgment. *And be it further enacted*, That from and after the passing of this act, it shall not be necessary upon the registering or discharging any mortgage, to record the certificate of the acknowledgment or proof of such mortgage, or the acknowledgment or proof of the discharge thereof, but that it shall be sufficient to enter a minute of the same respectively.

## CHAP. 45.

AN ACT authorising John Knickerbacker junior and others to build a toll bridge at Schagtikoke Point, in the county of Rensselaer.

PASSED the 23rd of March, 1799.

Preamble. WHEREAS John Knickerbacker junior, Silas Weeks, John Travis, Zephaniah Russell, Bethel Mather and Charles Joy, by their petition presented to the legislature, have prayed leave to build a toll bridge over Hosack river at Schagtikoke point in the county of Rensselaer; and it appearing that such bridge when erected will be of of great public utility: Therefore;

Bridge to be erected over Hosack river. *Be it enacted by the People of the State of New York represented in Senate and Assembly*, That it shall be lawful for the said John Knickerbacker junior Silas Weeks, John Travis, Zephaniah Russell, Bethel Mather and Charles Joy to build a bridge over the said Hosack river, at the same place, where William Chase formerly built a bridge, which said bridge shall be not less than sixteen feet wide built in a substantial and workmanlike manner, and shall before the end of this present year be so far complete as with safety to admit the passing of carriages of every kind.

Toll may be demanded. *And be it further enacted*, That as soon as said bridge shall be so far completed as safely to admit passing as aforesaid, it shall and may be lawful for the said John Knickerbacker junior, Silas Weeks, John Travis, Zephaniah Russell, Bethel Mather and Charles Joy to erect gates at one or both ends of said bridge to effect the collection of tolls at the following rates to wit;

For a person and horse three cents; for every head of neat cattle one cent; for every horse, mare or colt two cents; for sheep, and hogs at and after the rate of six cents per score; for every carriage drawn by two horses or cattle six cents; for every carriage drawn by more than two horses or cattle, for each additional horse or working creature two cents; which said rates of toll it shall be lawful for the said John Knickerbacker junior, Silas Weeks John Travis, Zephaniah Russell, Bethel Mather and Charles Joy, their executors, administrators and assigns to demand and receive for the term of twenty five years to be compleated\* from the first day of January next ensuing.

Rate of toll.

*And be it further enacted,* That it shall and may be lawful for the said John Knickerbacker junior, Silas Weeks, John Travis, Zephaniah Russell, Bethel Mather, and Charles Joy, to fence up or otherwise stop up, so much of the highway leading from the northward to Harts point, as runs through the land belonging to one of the said proprietors, and lies between the said bridge, and the places where the said Hosack river was crossed by the ford and ferry before the erecting a bridge by William Chase.

Certain road to be closed.

*And be it further enacted,* That it shall not be lawful for any person or persons whatever to erect or cause to be erected any bridge over or across the said Hosack river at any place nearer than one mile from said bridge unless for the private use of the proprietor or proprietors of the soil where such bridge shall be erected and if any such private bridge shall be erected, and the proprietor or proprietors thereof shall permit any carriages or cattle other than those actually belonging to himself or themselves to cross such bridge, such proprietor or proprietors shall pay unto the said John Knickerbacker junior, Silas Weeks, John Travis, Zephaniah Russell, Bethel Mather and Charles Joy, their heirs administrators and assigns treble the toll herein before specified, to be recovered in any suit or action of debt, before any justice of the peace having cognizance thereof.

Bridge prohibited within one mile.

*And be it further enacted,* That in case the said bridge shall not in the course of the present year be so far completed as to admit with safety the passage of all such teams and carriages as have usually passed on the roads leading thereto, they the said John Knickerbacker junior, Silas Weeks, John Travis, Zephaniah Russel, Bethel Mather and Charles Joy shall not by tolls or any other way be entitled to any reimbursement of the expence they may have been at in the building of said bridge, unless it shall appear that in the progress of said work and before it is completed, such accidents shall have happened by floods or otherwise as to render a further time necessary for completing the same. *And further,* if at any time during the term aforesaid, said bridge shall become so far decayed as to render the passing thereof unsafe (of which fact any three justices of the peace in the county of Rensselaer shall be the judges) or if said bridge shall be carried away by floods, ice, or any other accident, then and in such case they the said John Knickerbacker junior, Silas Weeks, John Travis, Zephaniah Russell, Bethel Mather and Charles Joy, their executors, administrators or assigns shall as the case may be, repair or rebuild the said bridge within eighteen months next after the day when the same shall be adjudged unsafe or destroyed by any accident as aforesaid, and in case the said bridge shall not within the said number of months be repaired or rebuilt as the case may require, then such part or parts of said bridge as shall be remaining shall be considered as the

Bridge to be built within one year.

Bridge becoming impassable.

\* So in the original.



property of the people of this State, and after such default of repairing or rebuilding said bridge, neither the said proprietors of said bridge nor any person or persons claiming under them shall have any demand or claim for the remaining part or parts of said bridge, nor shall they ever afterwards be permitted to obstruct with gates or in any other way the passing over such bridge, as may be there built, or to attempt directly or indirectly the collection of any toll for passing such bridge.

Bridge becoming unsafe.

*And be it further enacted,* That if at any time during the term aforesaid, said bridge should be in such condition as to render the passing over the same unsafe and complaint thereof shall be made to the commissioners of highways for the town of Schaghtikoke, and if the said commissioners or a majority of them shall judge the passing over the same to be dangerous, they shall immediately spike up the toll gates, and keep the same spiked up until the said bridge shall be so repaired as to render passing over it safe when said commissioners shall again open said gates to be kept as usual.

Bridge to revert to people.

*And be it further enacted,* That at the expiration of the term aforesaid, the bridge which shall be remaining at the place aforesaid with all things thereunto, appertaining, shall be to all intents and purposes the property of the people of this State.

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## CHAP. 46.

AN ACT to incorporate a part of Stephentown for the purposes therein mentioned.

PASSED the 23rd of March, 1799.

**Preamble.** WHEREAS it is represented to the legislature, that there is a certain fund given the interest of which is to be appropriated for the encouragement of schools in that part of Stephentown in the county of Rensselaer, known by the name of the Twelve Thousand Acres; and the freeholders on said land interested in said fund have by their petition prayed to be incorporated, that they might be enabled to choose trustees for the better managing of said fund: Therefore

Trustees of schools in Stephentown incorporated.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That the freeholders residing on that part of Stephentown known by the name of The Twelve Thousand Acres, are hereby constituted and declared to be one body corporate and politic, in fact and in name, by the name of "The Trustees of Schools in Stephentown," and by that name, they and their successors may for ever hereafter have perpetual succession, and shall and may by the same name be persons capable in law to sue and be sued, implead and being impleaded, answering and being answered unto, defend and being defended in all courts and places whatsoever; and that they and their successors may have a common seal and may change and alter the same at their pleasure, and shall be in law capable of purchasing holding and conveying any estate real or personal for the use of said corporation, *provided* such estate shall not exceed the sum of three thousand dollars.

First trustees; elections.

*And be it further enacted,* That Hosea Moffat, David Gould and Jonathan Niles shall be and they are hereby declared to be the first trustees for the freeholders of that part of Stephentown aforesaid, and shall continue to be trustees for the purposes aforesaid until the last Tuesday in May next, and until others shall be chosen in their places;

and that it shall and may be lawful for the freeholders residing in that part of Stephentown aforesaid for the time being to assemble on the last Tuesday of May in each year, at such time of the day and place as the trustees for the time being, or a major part of them shall appoint by advertisement, and under the direction of the said trustees or such of them as shall be present, who are hereby made inspectors of such election, and then and there by a majority of voices, to elect three discreet freeholders to be trustees as aforesaid, who shall continue in office until the last Tuesday in May, in the next ensuing year, and until others shall be chosen in their places. —

*And be it further enacted,* That when and as often as any vacancy shall happen by death, removal, resignation or neglect to serve of any of the said trustees, it shall and may be lawful for one or more of the trustees to notify a meeting of the freeholders aforesaid for the election of a trustee or trustees to fill such vacancy or vacancies, and that said trustee or trustees shall remain in office during such time as the person or persons in whose place he or they shall be chosen, would have done, in case such vacancy had not happened, and no longer.

*And be it further enacted,* That the said freeholders, at their annual meeting to be held as aforesaid, and at such other times in the year as the said trustees or a majority of them may think necessary to advertise for the purpose, shall be and they are hereby authorized and empowered from time to time, to make, ordain, constitute and establish such prudential rules, orders and regulations, as a majority of such freeholders so assembled shall judge necessary and convenient for the better securing to the said corporation the property hereby vested in them; for the more equal distribution of the income of all such corporate property among the schools within the bounds of said corporation; and also for well ordering and regulating the schools in such manner as will best promote the education of children.

vacancies.

Powers  
and duties  
of trustees  
and free-  
holders.

## CHAP. 47.

AN ACT for dividing the town of Stamford in the county of Delaware, and for other purposes.

PASSED the 23rd of March, 1799.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That from and after the Monday next, preceding the first Tuesday of April next, all that part of the town of Stamford in the county of Delaware within the following bounds, to wit: Beginning at the most easterly corner of the town of Delhi, and running thence easterly to the highest peak of the high mountain where the head of Roses Brook rises thence following the ridge or chain of mountains northerly from peak to peak to the highway or road on the top of the mountain, that leads from the town plot so called to the present dwelling house of John Moore Esquire, thence due north to the northeasterly bounds of said county of Delaware, thence southeasterly along the same to the town of Windham, thence along the same southwesterly to the town of Middletown, and thence along the same northwesterly to the place of beginning, be and hereby is erected into a separate town by the name of Roxbury; and the first town meeting shall be held at the dwelling house of Zachariah Snyder in said town.

Roxbury,  
town of,  
erected.

Stamford.

*And be it further enacted,* That all the remaining part of the town of Stamford, shall be and remain a separate town by the name of Stamford and the first town meeting in the said town of Stamford, shall be held at the dwelling house of Joshua Webster in said town.

Town  
privileges.

*And be it further enacted,* That the freeholders and inhabitants of the said towns shall be entitled to all the privileges, and be subject to all the penalties which the freeholders and inhabitants of the other towns in this State are entitled, and subject to by law.

Division of  
the poor.

*And be it further enacted,* That as soon as may be after the first Tuesday of April next, the overseers of the poor and the supervisors of the said towns, shall after due notice being given for that purpose by the supervisors of the said towns, meet together and apportion the money and poor belonging to said town of Stamford, previous to the division thereof, in as equitable a manner as may be: And in case the supervisors and overseers of the poor can not agree in the division of the money and poor as aforesaid, then the supervisors of the county of Delaware at their annual meeting, shall make such division of the money and poor as aforesaid, as shall appear most equitable to the major part of them, and that forever thereafter, each of the said towns shall support and maintain their own poor.

Where  
courts to  
be held.

*And be it further enacted,* That as soon as the court of common pleas in and for the county of Delaware, shall judge, the court house now erecting in the town of Delhi in said county to be so far completed, as to be fit for the accommodation of said court, it shall and may be lawful for said court to adjourn to and hold the same court at said court house.

Id.

*And be it further enacted,* That when said court of common pleas shall have pronounced said court house so far completed as aforesaid the court of general sessions of the peace in and for said county shall hold their next sessions at said court house, any law or previous adjournment thereof to the contrary notwithstanding.

Jail of  
county.

*And be it further enacted,* That as soon as said courts of common pleas and general sessions of the peace, shall judge the gaol now erecting in the town of Delhi in said county, fit for the safe keeping of all and every of the prisoner or prisoners thereto committed, said gaol shall be deemed and considered to be the common gaol of said county, and the sheriff of said county, shall then by virtue of an order from the court of common pleas or general sessions of the peace as the case may require, immediately remove all prisoners by him committed to the gaol of the county of Ulster, to said gaol so erected in the county of Delaware, and the costs and charges of such removal shall be paid in the same manner as other contingent county charges are paid.

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## CHAP. 48.

AN ACT to ascertain the line of division between the towns of Trenton and Remsen in the county of Oneida, and for incorporating an aqueduct association in Whitesborough in said county.

PASSED the 25th of March, 1799.

West  
boundary  
line of  
Deerfield  
changed.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the west line of the former town of Schuyler, now the west line of the town of Deerfield in the county of Oneida,

instead of running from the mouth of the nine mile creek to the northeast corner of the patent of Steuben as mentioned in the eleventh section of the act entitled "An act to divide the towns therein mentioned" passed the tenth day of April one thousand, seven hundred and ninety two the same shall hereafter run from the mouth of the said nine mile creek on a direct line till it intersect the east line of a tract of land granted to the Baron De Steuben, one mile and an half south of the northwest corner of Serviss's patent so called, thence easterly parallel with the north line of Serviss's patent to the West Canada creek, and thence down said creek to the great falls thereof.

*And be it further enacted,* That the line as described in the preceding section of this act shall hereafter be considered as the true line of division between the towns of Deerfield, Floyd, Trenton and Remsen, any former law to the contrary notwithstanding—

Towns of  
which line  
to be  
boundary.

*And be it further enacted,* That Hugh White, Arthur Breese, Jonas Platt, Jephtha Brainerd, James Ferguson, Simeon Webster, Joseph Blake, Gideon Browning, Elizur Mosely, William G. Tracy, Bethael Dod, Caleb Douglass, Amos Camp and Thomas R. Gold and such other persons as may become interested in the association or company formed for supplying the village of Whitesborough in the county of Oneida with water, by means of conduits or aqueducts, shall be and are hereby created and made a corporation and body politic in fact and in name, by the name of "The Aqueduct Association in the Village of Whitesborough" and by that name shall be capable in law to sue and be sued, plead and be impleaded in any court of record; but shall not be capable of holding any real estate excepting such as may be necessary for such conduits or aqueducts in any other place than within the said village, or any real or personal estate exceeding the annual value in the whole of one thousand dollars, exclusive of the profits or income of such conduits or aqueducts—

Aqueduct  
Association  
of  
Whites-  
borough.

*And be it further enacted,* That it shall and may be lawful for any three of the said persons so associated or to be associated by a notice to be published in the newspaper printed in the said village of Whitesborough or to be served personally on all the members of the said association or left \* or left at their respective usual places of abode, three days at least previous to any meeting, to convene the said company or association at some convenient place in the said village: And such of the members of the said association being at least a majority of the whole number, as shall so convene, shall be and are hereby authorized by a vote of a majority present to elect and appoint a treasurer, clerk and collector of such association, and such other agents as may be necessary to carry into effect the object of the association; to make and ordain all such bye laws, rules and regulations relative to the said conduits or aqueducts as they may deem proper and necessary for the superintendence, regulation and management of the same, and of such as may be added thereto, and for the alteration, preservation and reparation thereof, or for the equal assessment and collection, amongst the proprietors of the same aqueducts in proportion to their respective rights or shares, of all costs and expences arising in the execution of all such bye laws, rules and regulations aforesaid, and to impose penalties for the violation of the said bye laws and regulations; and further to institute such suits in the name of such company or association, as may be necessary to recover damages for any injustice that may be done to the said aqueducts; or for any penalty imposed as

Meetings  
of com-  
pany; elec-  
tions; regu-  
lations.

\* So in the original.

aforesaid. *Provided* that no penalty to be imposed by virtue of any such bye law or regulation as aforesaid shall be contrary to the laws of this State, or exceed ten dollars for any one offence.

Treasurer,  
clerk and  
collector.

*And be it further enacted*, That the said treasurer shall receive and pay out all monies collected by virtue of this act, agreeably to the orders and directions of the said association; and the said clerk shall enter in writing, all the proceedings of the same association or company, when convened as aforesaid, under this act; and the said collector shall levy and collect all such taxes and sums of money so as aforesaid to be voted in pursuance of this act, agreeably to such tax lists or assessment roll as shall be made out and delivered him by the said clerk, the same being by him first certified and subscribed, and shall pay the same monies over to the treasurer of the said association; and the said collector shall have the like powers and proceed in like manner in the said collection, as is by law prescribed to the collector of any town in the collection of the contingent charges of the county.

Transfers  
of shares.

*And be it further enacted*, That all transfers of shares in the said association or company shall be made and entered in a book to be by them provided for that purpose under such regulations as may be prescribed by the said association.

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## CHAP. 49.

“AN ACT to divide the town of Richfield in the county of Otsego, into three towns.”

PASSED the 25th of March, 1799.

Exeter,  
town of,  
erected.

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That from and after the first Monday preceding the first Tuesday of April next, all that part of the town of Richfield in the county of Otsego, beginning at the north east corner of the town of Richfield and running westerly along the north line of said town, to the northwest corner of lot number seventy eight in Schuylers patent, thence southerly to the southwest corner of lot number eighty thence easterly to the south east corner of lot number three, thence northerly on the east line of said town to the place beginning shall be and hereby is erected into a town by the name of Richfield, and that the first town meeting be held at the house of Obid Edson in said town; that all that part of the town of Richfield beginning at the northeast corner of lot number four, thence running westerly to the northwest corner of lot number fifty three, thence southerly to the southwest corner of lot number fifty six, thence on the south line of Schuylers patent to the southeast corner thereof, thence northerly on the east line of said town to the place of beginning, shall be and hereby is erected into a town by the name of Exeter, and that the first town meeting in said town be held at the house of Thomas Angel in said town; that the remaining part of the town of Richfield be erected into a town by the name of Plainfield, and that the first town meeting in the said town shall be held at the house of Vose Palmer in said town.

Town off-  
cers.

*And be it further enacted* That the freeholders and inhabitants of each of the respective towns hereby erected shall be and hereby are

empowered to hold town meetings and elect town officers as the freeholders and inhabitants of any town in this State may by law; and that the freeholders and inhabitants of each of the said towns respectively and the town officers by them elected shall have the like powers and privileges and be subject to the like regulations and penalties as the freeholders and inhabitants and town officers of the other towns in this State are entitled and subjected to by law.

*And be it further enacted* That as soon as may be after the first Tuesday of April next the supervisors and overseers of the poor of the towns aforesaid shall by notice to be given for that purpose by the supervisors thereof meet together and apportion the poor maintained by the said town of Richfield and the poor money belonging to the same previous to the division thereof in an equitable manner; and if the supervisors and overseers of the poor can not agree upon such division of the poor and poor money as aforesaid, then and in such case the supervisors of the county of Otsego shall at their next meeting apportion and divide the poor maintained, and the poor money as aforesaid in such manner as shall appear to them most just and equitable, and the said towns shall thereafter respectively maintain their own poor. Division of the poor.

## CHAP. 50.

### AN ACT for the relief of James Caldwell.

PASSED the 25th of March, 1799.

**Preamble.**  
**WHEREAS** the treasurer of this State was directed by an act of the legislature passed the sixth of April one thousand, seven hundred and ninety five to advance on loan to James Caldwell a sum of money not exceeding eight thousand pounds, to enable him to rebuild and carry on his useful manufactures: *And whereas* the said James Caldwell in order to secure the repayment of the said money at or before the expiration of six years from the thirty first day of August in the year aforesaid, did execute a mortgage of a very valuable real estate, situate within this State to the people thereof: — *And whereas* it has been represented to the legislature, that by reason of the great scarcity of money, and of the aforesaid incumbrance on the said real estate, the said James Caldwell is disabled to sell the same, or any part thereof so as to enable him to pay either the annual interest or the principal of the said mortgage in the manner therein expressed: For remedy whereof,

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That the time for the payment of the principal sum so as aforesaid loaned to the said James Caldwell shall be and hereby is extended for the space of four years from the expiration of the time limited for the payment thereof in and by the said mortgage: *Provided always* that nothing herein contained shall be construed to exempt the said James Caldwell, his heirs, executors, administrators or assigns from the payment of the annual interest which shall or may accrue on the said mortgage at the periods and in the manner therein expressed. Time for payment extended.

*And be it further enacted,* That in case the said James Caldwell his heirs or assigns shall sell any part of the said mortgaged premises, it shall be lawful for the comptroller of this State in his discretion on Release by comptroller.

the payment of the purchase money into the treasury to execute a release or quit claim in behalf of the people of this State for so much of the said mortgaged premises to the purchaser or purchasers thereof. *And be it further enacted*, That the said James Caldwell shall pay and bear all and every expence that may in any wise attend such sale and release as aforesaid.

Payment  
of expence.

## CHAP. 51.

“AN ACT to amend an act entitled “An act for regulating elections.”

PASSED the 27th of March, 1799.

Canvass  
and return  
of ballots  
for gov-  
ernor, lieuten-  
ant gov-  
ernor,  
senators  
and mem-  
bers of as-  
sembly.

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That from and after the passing of this act the ballots to be taken at the anniversary election for the choice of governor, lieutenant governor, senators and members of assembly in pursuance of the said recited act, shall be canvassed and estimated by the respective boards of inspection of the poll at such election, provided and constituted by the said act, which said inspectors of any town, city or ward after closing the poll holden on the last day of any such election agreeably to the directions of the act aforesaid in any such town, city or ward shall proceed without delay openly and publicly to open the boxes containing such ballots and to canvass and estimate the same ballots as near as may be in the manner provided for canvassing the same by the said recited act and on the day next after closing such poll as aforesaid shall compleat such canvass and estimate and thereupon shall set down in writing the names of the several candidates or persons voted for at any such election either as governor lieutenant governor or senators with the number of votes in words at full length given for any such candidate at any such election for either of the said offices and shall certify and subscribe their own proper names thereto, and by one of their number to be appointed for that purpose by a majority of them shall within eight days thereafter cause such statement or certificate to be delivered to the clerk of the county in which ballots shall be taken, and a like certificate subscribed as aforesaid to the clerk of the town in which such ballots shall be taken to be by him entered of record in a book to be by him provided for that purpose and the clerk of such county shall enter of record in a book to be by him provided for that purpose such statement or certificate so delivered him as aforesaid and shall within twenty days thereafter cause a transcript of all such certificates so by him received (the same being by him first certified) to be delivered to the secretary of this State by the said clerk or special messenger to be by him appointed for the purpose and for which services the said clerk or messenger shall be paid at the rate of twenty five cents for each mile in going only to be computed from such clerks office to the secretary's office and to be paid out of the treasury of this State on the warrant of the comptroller; and the inspectors on closing the poll of any such election as aforesaid shall proceed in like manner without delay to canvass and estimate the ballots given for any person as member as assembly at such election and after making such canvass and estimate shall set down the name of every

such candidate with the number of votes given for each candidate in words at full length and after certifying and subscribing their own proper names thereto shall within twelve days after cause such statement or certificate of such canvass or estimate to be delivered as aforesaid to the clerk of the county and a like statement or certificate to the clerk of the town in which such ballots shall be taken to be by them respectively entered of record as aforesaid in books by them to be provided as aforesaid; and the clerk of such county shall without delay after the day appointed for delivering to him such certificate as aforesaid shall have elapsed calculate and ascertain the aggregate amount or whole number of votes given for the respective candidate or persons voted for as members of assembly at any such election and shall thereupon determine conformably to such statements or certificates delivered him as aforesaid upon the person or persons duly elected by the greatest number of votes as members of assembly for such county; and shall after entering such determination of record cause to be delivered to each of the persons so found to be elected as members of assembly as aforesaid a brief certificate of such election; and the respective clerks of counties shall exhibit their accounts for services performed and expences incurred by virtue of this act, except such as are herein before provided for to the supervisors of their respective counties who shall examine audit and allow the same, and cause the amount thereof to be levied collected and paid in the same manner as the other contingent charges of such counties are by law directed to be levied collected and paid; and further that immediately upon the said inspectors at any such election making and subscribing such statement or certificate as aforesaid they shall destroy the poll books and ballots made and taken at any such election for any of the said candidates or persons voted for as aforesaid.

*And be it further enacted* That the secretary of State shall without delay after receiving such transcripts as aforesaid from the clerks of the respective counties in this State enter the same transcripts of record in his office, and within five days thereafter, and on or before the eighth day June in the same year, in conjunction with the comptroller and treasurer of this State for the time being whose duty it shall be to give their attendance at the secretary's office on a day to be notified to them for that purpose by such secretary, proceed then and there to calculate and ascertain the aggregate amount or whole number of votes given at such election for governor, lieutenant governor or senators; and the said secretary comptroller & treasurer shall thereupon and within six days after such meeting as aforesaid determine conformably to such transcripts as aforesaid upon the persons duly elected by the greatest number of votes to either of the said officers and shall thereupon without delay make and subscribe with their own proper names and hand writing a certificate of such determination and enter the same in a book to be kept for that purpose in the said secretary's office, and without delay cause to be delivered a true copy thereof so subscribed as aforesaid to each of the persons so elected respectively and to the person administering the government of this State for the time being; and shall also cause such certificate to be published in one of the public news papers printed in each of the great senatorial districts of this State with a statement subjoined thereto and subscribed by the said secretary, comptroller and treasurer, of the votes given for any person voted for at such election in the several counties of this State for any of the said offices as by the said transcript aforesaid returned by the clerks of the same counties respectively may appear.

Canvass by  
board of  
State can-  
vassers.



Where  
either of  
State board  
fails to at-  
tend.

*And be it further enacted* That if either the said secretary, comptroller or treasurer shall neglect or by death or otherwise be prevented from discharging the duties enjoined on them by this act, then and in that case it shall be lawful for the said other two officers to discharge the duties enjoined as aforesaid; and if any two of the said officers shall neglect or be prevented as aforesaid from discharging the said duties, in that case it shall be lawful for any two of the justices of the supreme court of judicature of this State and they are hereby required on notice to be given them for that purpose by the person administering the government of this State to attend without delay at the said secretary's office and in conjunction with either the said secretary, comptroller or treasurer who may convene with them for that purpose to do and perform the respective duties enjoined upon the secretary comptroller and treasurer of this State by virtue of this act:

Determina-  
tion of  
questions.

And all questions which may arise in the canvass, estimate or calculation of the votes given at any such election under this act, shall be determined by the opinion of a majority of the persons composing the board of canvass, estimate or calculation as the case may be; and instead of the oath provided by the said recited act to be taken by the persons appointed to canvass and estimate the votes for governor, lieutenant governor or senators, the said secretary comptroller treasurer or justices of the supreme court as the case may be, shall before they enter upon the duties enjoined upon them severally take and subscribe before one of the justices of the said supreme court or a master in chancery, an oath that he will in all things faithfully, honestly and impartially discharge the duties enjoined upon him by the act entitled "An act to amend an act entitled an act for regulating elections" which said oath shall be entered of record in the said secretary's office; and instead of the oath provided by the act hereby amended to be taken by the several inspectors of the elections in any city town or ward the following oath shall be administered to every such inspector, in the manner directed in and by the said recited act vizt. I

Form of  
oath of in-  
spectors.

do solemnly and sincerely declare and swear in the presence of Almighty God that I will in all things well faithfully honestly and impartially and according to the best of my knowledge and abilities execute the office of inspector of this election, and that I will faithfully and impartially canvass and estimate the ballots taken at the same election and certify a true and just statement of the same according to my best understanding and that if I shall discover any of the other persons who shall attend with me for the purpose aforesaid conducting himself or themselves partially unduly or corruptly in the premises that I will divulge or discover the same to the end that the person so offending may be brought to justice.

Canvass of  
ballots for  
congress-  
men.

*And be it further enacted* That the ballots to be taken at any election in this State for the choice of representatives in the Congress of the United States shall be canvassed and estimated certified returned and calculated, and the result thereof published in the same way and manner as is by this act provided with respect to the ballots given for governor, lieutenant governor and senators of this State.

Penalty for  
neglect by  
election  
officers.

*And be it further enacted* That if the said secretary, comptroller and treasurer of this State or either of them, or the said justices of the supreme court or either of them, or any clerk of any of the counties of this State, or the said inspectors of any such election as aforesaid or either of them, shall wilfully neglect to perform the duties enjoined on them respectively by this act or in the execution of such

duties shall be guilty of any partial, corrupt or undue conduct and be thereof convicted he they and every of them so offending, and convicted shall incur the like forfeitures and be subject to the like punishment as is provided and inflicted for any wilful neglect or corrupt conduct and behaviour by the twentieth and twenty first sections of the act hereby amended, and shall be liable to be proceeded against in the same way and manner as is directed in and by the said sections of the same act.

*And be it further enacted* That the polls of the elections in the several cities, wards and towns in this State shall be held and continued for three days successively including the day on which the same were opened and no longer, any thing in the act hereby amended to the contrary notwithstanding. How long  
polls to be  
open.

*And be it further enacted* That so much of the act hereby amended, and of the act entitled "An act for electing representatives for this State in the house of representatives of the Congress of the United States of America" passed the twenty eighth day of March one thousand seven hundred and ninety seven as provides for and regulates the returning and canvassing of the votes given at any election for governor, lieutenant governor, senators, representatives in the Congress of the United States and members of assembly in a manner different from and contrary to the provisions of this act shall be and the same is hereby repealed. Part of act  
recited re-  
pealed.

## CHAP. 52.

AN ACT to vest certain powers in the freeholders and inhabitants of the village of Poughkeepsie.

PASSED the 27th of March, 1799.

WHEREAS it has been represented to the legislature by the inhabitants of the village of Poughkeepsie that the existing laws are inadequate to answer the end of enabling them to regulate their interior police. Therefore, Preamble.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the district of country contained within the following bounds, that is to say, beginning at the mouth of a small brook falling into Hudsons river a small distance south of a point of land commonly called Ship-yard-point, which mouth of said brook is on the land of the late Henry Livingston deceased, thence east as the magnetic needle now points one hundred and thirty chains to a stone set in the ground on which is engraved the word CORPORATION. again from the mouth of the brook aforesaid northerly along Hudsons river (including the flats or shoals between highwaters mark and the channel of said river) to the mouth of another small brook or where the same joins the waters of Hudsons river aforesaid, which last mentioned brook is commonly known by the name of Kidneys creek or kill and divides the land of Robert L. Livingston from the land of Abraham Pells; then from the mouth of the said brook last mentioned up the middle of the same however it runs to the post road, thence due east as the magnetic needle now points so far as that on a straight line due west it will be one hundred and thirty chains distant from Hudsons river to a stone set in the ground on which is engraven the word CORPORATION, and thence in a direct line to Village of  
Pough-  
keepsie.

the stone set in the ground first above mentioned shall hereafter be known and distinguished by the name of the village of Poughkeepsie, and the freeholders who may from time to time reside within the aforesaid limits may on the third Tuesday of May next meet at some proper place to be appointed by any justice or justices of the peace within the said village and notified to the inhabitants thereof at least one week previous to the said third Tuesday of May and then and there proceed to choose five discreet freeholders resident within the said village to be trustees thereof, who when chosen shall possess the several powers and rights herein after specified, and such justice or justices shall preside at such meeting and shall declare the several persons having the greatest number of votes as duly chosen trustees; and on every third Tuesday in May after the first election of trustees there shall in like manner be a new election of trustees for the said village and the trustees for the time being shall perform the several duties required from said justice or justices in respect to notifying the meeting of the freeholders of the said village and presiding at such election.

Powers of trustees.

*And be it further enacted* That all the freeholders residing within the aforesaid limits be and they are hereby ordained, constituted and declared to be from time to time and forever hereafter one body politic and corporate in fact and in name by the name of "The Trustees of the Village of Poughkeepsie" and by that name they and their successors forever shall and may have perpetual succession and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever in all manner of actions complaints and causes whatsoever, and that they and their successors may have a common seal and may change and alter the same at pleasure, and shall be in law capable of purchasing, holding and conveying any estate real or personal for the public use of the said village, and of erecting public buildings such as fire engine house or houses, of raising money by tax for erecting those public buildings or making any other necessary repairs or improvements; which money so to be raised shall be assessed upon the freeholders and inhabitants of the said village, according to law by not less than three nor more than five judicious assessors who shall be freeholders in said village, to be by the freeholders and inhabitants of the said village qualified to vote at town meetings chosen at their annual meetings and collected by the collector of the corporation in like manner as the taxes of towns and counties are collected by virtue of a warrant to him directed by a majority of the trustees.—

*Provided nevertheless* that no tax shall be levied or monies raised assessed or collected for erecting public buildings or making any other necessary repairs or improvements, no purchase or sale of any real estate, no public building erected or disposed of without the consent of the freeholders and the legal voters of the said village of Poughkeepsie or the major part thereof in open meeting duly notified therein assented to and voted.

By-laws and ordinances.

*And be it further enacted* That it shall and may be lawful for the trustees of the said village or the major part of them by this act to be chosen and for their successors in office for ever from and after the third Tuesday in May next to make ordain constitute and publish such prudential bye-laws, rules and regulations as they from time to time shall deem meet and proper; and such in particular as are relative to public markets within the said village, relative to the streets, allies, and highways of the said village, and draining, filling up, paving, keeping in order and improving the same; relative to slaughter houses

and nuisances generally; relative to a town watch and lighting the streets of the said village; relative to the number of taverns or inns to be licenced in the said village, relative to the restraining geese, swine or cattle of any kind; relative to the better improving their common lands; relative to the inspection of weights and measures; relative to erecting and regulating hay scales, and relative to any thing whatsoever that may concern the public and good government of the said village, but no such bye laws shall extend to the regulating or ascertaining the prices of any commodities or articles of provisions except the article of bread, that may be offered for sale; *provided* also that such bye laws be not contrary to or inconsistent with the laws and statutes of this State or of the United States.

*And be it further enacted* That the said trustees or the major part of them as often as they shall make, ordain and publish any such bye laws for the purposes aforesaid may make ordain limit and provide such reasonable fines against the offenders of such laws as they may think proper, the same not exceeding twenty five dollars for any one offence to be prosecuted and recovered before any justice of the peace or court having cognizance of the same by the trustees to and for the use of said corporation.

Fines for  
offences.

*And be it further enacted* That it shall and may be lawful for the trustees of the said village of Poughkeepsie or the major part of them and their successors at any time after the third Tuesday in May next to make ordain constitute and publish a bye law prohibiting any baker or other person within the limits aforesaid from selling any bread at any higher price or rate than bread of the like quality at the time of such sale shall be assized in and for the city of New York by the corporation of the said city under the penalty of one dollar for every offence to be recovered by the said trustees before any justice of the peace residing in the said village or county of Dutchess in an action of debt with costs of suit for the use of the said corporation.

Regulation  
of price of  
bread.

*And be it further enacted* That the freeholders and inhabitants of the said village of Poughkeepsie qualified to vote at town meetings at their annual meetings in every year hereafter to be held for choosing trustees or at any other meeting duly notified, shall and they are hereby authorized and empowered to choose not less than three nor more than five judicious inhabitants being freeholder as assessors, one treasurer being also a freeholder, one collector and as many fire wardens as the trustees for the time being or the major part of them may order and direct, and that at every such election the person or persons having the greatest number of votes for such offices respectively shall be deemed to be duly chosen; and in case a vacancy shall happen by the death of any one of the assessors the treasurer, collector or fire wardens it shall be the duty of the trustees or the major part of them within ten days thereafter to appoint some suitable person to fill such vacancy. And the person so to be appointed shall be vested with the like powers and subject to the same penalties and restrictions as if elected by the freeholders and inhabitants of said village as above mentioned.

Election of  
village of-  
ficers.

*And be it further enacted* That the trustees, treasurer collector, assessors and fire wardens shall within ten days after each and every election and before they proceed to the exercise of their several offices respectively take and subscribe an oath or affirmation before any justice of the peace in the said village or county of Dutchess for the faithful execution of the trust or office to which they may be severally chosen and elected.

Oath of of-  
fice.

Bonds to  
be given.

*And be it further enacted* That the treasurer and collector hereafter to be elected shall before they enter upon the execution of their respective offices respectively give security for the faithful performance of the trusts reposed in them as the major part of the trustees for the time being shall deem sufficient.

Penalty for  
refusal to  
accept of-  
fice.

*And be it further enacted* That if any one of the inhabitants of said village qualified as aforesaid shall hereafter be elected or chosen a trustee or to the office of assessor or fire warden, and having notice of his said election shall refuse, deny, delay or neglect to take upon him or them to execute such trust or office to which he or they shall be elected, then and as often as it shall happen it shall and may be lawful for the trustees or the major part of them to assess and impose upon every such person or persons so neglecting, delaying or refusing such reasonable fine or fines as they the said trustees or the major part of them may think fit, so as such fine for each refusal denial, delay or neglect shall not exceed the sum of twenty dollars all which said fines shall and may be recovered by action of debt before any justice of the peace in the said village or county of Dutchess or court having cognizance of the same to be prosecuted, recovered and received by the said trustees to and for the use of the said corporation, that in all cases where the trustees of the village of Poughkeepsie are authorized empowered or required to sue or prosecute for any debts, penalties, fines or forfeitures by virtue of this act it shall be sufficient for the said trustees for the time being in any suit or action to be brought for any such debts, penalties, fines or forfeitures to declare generally that the defendant is indebted to the trustees of the village of Poughkeepsie in the amount of such debt, penalty, fine or forfeiture by virtue of this act to be paid to the said trustees for the time being when thereunto required and under such declaration to give the special matter in evidence. *And whereas* it is necessary for the good government of the said village that it should be more particularly the business of some one of the trustees of the said village to attend to its more immediate concerns. Therefore,

President  
of trust-  
tees,  
duties.

*Be it further enacted* That the trustees within ten days after their being elected in every year hereafter or the major part of them shall and it is hereby made their duty to assemble in some convenient place in the said village and there to choose and appoint some one suitable person of their body to be president of the said board of trustees, whose duty it shall be when present to preside at the meeting of the trustees, to order extraordinary meetings of the trustees whenever he may find it for the interest of the village so to do; to receive complaints of the breach of any of the bye laws; to see that all the bye laws, rules and ordinances are faithfully executed, and prosecute in the name of the trustees all offenders against such bye laws; to receive and lay before the trustees the returns of the fire wardens, and who with the consent of the major part of the trustees shall appoint under his hand and the seal of the said village the company of firemen; to inspect the utensils belonging to the said village for extinguishing fires, and whose duty it shall be more particularly to see the engines and fire utensils, engine houses and all other public property belonging to the said village suitably and properly taken care of and kept in order, and to do all such other acts and things as may be proper for him as president of the board of trustees to do; and in case of the death absence or disability of the president to discharge the several duties before mentioned his place shall be supplied in the manner hereafter to be provided for by the bye laws of the said corporation.

*And be it further enacted* That the collector shall within such time as shall hereafter be provided for by the bye laws of the said corporation next after the receipt of his warrant for collecting any tax that may have been ordered to be raised collect and pay the same to the treasurer, and that all monies which may at any time be in the hands of the treasurer shall be liable to be drawn out by the trustees or the major part of them and applied and disposed of as shall have been directed by the freeholders and inhabitants of said village —

Duty of collector.

*And be it further enacted* That the said trustees shall keep a just and accurate account of their necessary expences and disbursements and on exhibiting the same to the treasurer shall be entitled to receive the amount thereof out of any monies in the treasury, and that the treasurer, collector and assessors shall be paid for their several services such suitable compensation as the legal voters of the said corporation or a majority of them at their annual meetings shall deem reasonable and proper.

Accounts of trustees; compensation of other officers.

*And be it further enacted* That the firemen who may at any time hereafter be appointed in the said village and each and every of them shall be exempted from serving as jurymen or in the militia of this State, except in cases of the actual invasion of this State or in insurrections therein. *Provided* that the number of firemen shall not exceed twenty.

Firemen; exemptions.

*And be it further enacted* That it shall not be lawful for the said corporation to purchase or hold any real estate whatsoever not lying or being within the limits of the said corporation.

Power of village to hold real estate.

## CHAP. 53.

AN ACT for the sale of lands to John G. House, Isaac Rapalya and Samuel Bear.

PASSED the 27th of March, 1799.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That it shall and may be lawful for the surveyor general of this State and he is hereby directed to execute a conveyance to John G. House and Isaac Rapalya severally of one such unsold lot within the late Oneida reservation not exceeding two hundred and fifty acres each as may be equal in the quality of the soil to the respective pieces or parcels of land by them heretofore occupied and improved between the Canasargo and Ohetanango creeks on the said reservation which said lots shall be designated by the said surveyor general, and the surveyor general shall immediately thereupon take from the said John G. House and Isaac Rapalya respectively, a mortgage on the lot so conveyed to them to secure the payment of a sum equal to three dollars for each acre in each such lot contained; which conveyances and mortgages shall be in such form, have such effect and be so disposed of as prescribed and provided in and by the act entitled "An act for the better support of the Oneida, Onondaga and Cayuga Indians and for other purposes therein mentioned" passed the ninth day of April one thousand seven hundred and ninety five, excepting only that the said conveyance shall purport to be made in pursuance of this act, instead of the act aforesaid.

Grant of lands to John G. House and Isaac Rapalya.

Id., to  
Samuel  
Bear.

*And be it further enacted* That the surveyor general shall in like manner as directed in the preceding section execute to Samuel Bear a conveyance of one hundred acres of lot number four in the township of Romulus, and take a mortgage thereon at and after the rate of three dollars per acre, pursuing in every other particular the directions in the preceding section.

## CHAP. 54.

AN ACT altering the time of holding the courts of common pleas and general sessions of the peace in certain counties therein mentioned, and relative to the circuit court in the county of Rensselaer.

PASSED the 27th of March, 1799.

Terms of  
court al-  
tered in  
certain  
counties.

*Be it enacted by the People of the State of New York represented in Senate and Assembly.* That from and after the passing of this act, the following alterations in the times for holding the courts of common pleas and general sessions of the peace shall take place in the counties herein after mentioned, to wit, in the county of Otsego, instead of the third Tuesday of June, the said courts shall be holden on the fourth Tuesday of June; in the county of Herkimer, instead of the first Tuesday of June, the said courts shall be holden on the fourth Tuesday of May; in the county of Chenango, instead of the second Tuesday of June, the said courts shall be holden on the first Tuesday of July; in the county of Delaware instead of the last Tuesday of February, the said court shall be holden on the second Tuesday of February; in the county of Montgomery, the court of general sessions of the peace, by law to be holden on the second Tuesday of June, shall instead of being so holden be held on the second Tuesday in October in every year hereafter; in the county of Albany instead of the first Tuesday of June, the said courts shall be holden on the fourth Tuesday of May; in the county of Queens, instead of the first Monday in June, and the second Monday in November, the said courts shall be holden on the first Tuesday of June and the second Tuesday of November: which said courts of common pleas and general sessions of the peace shall be holden in and for the said counties respectively, as aforesaid in every year hereafter, and shall be continued and adjourned in the same way and manner as by law the same courts respectively may be held continued and adjourned; *provided nevertheless*, that the suits prosecutions and proceedings depending in the said courts of common pleas and general sessions of the peace respectively, shall not by reason of the alterations of the terms as aforesaid be in any manner abated, discontinued or prejudiced in law; but all processes in the same courts respectively made, or to be made, returnable on the days on which the same courts were, before the passing of this act to be holden, shall be and hereby are made returnable on the days on which the said courts are respectively by this act appointed to be holden as aforesaid; and all persons bound to appear by recognizance or otherwise in either of the said courts of common pleas or general sessions of the peace, at the time on which the said courts in any of the said counties, were before the passing of this act to be holden, shall be holden and obligated to appear on the days on which the same courts respectively are by this act appointed to be holden.

*And be it further enacted,* That it shall be the duty of the sheriff of the several counties wherein the preceding alterations of the times of holding the said courts have been made, in those cases, where there will not be an intervening term between the passing of this act, and the holding of such courts, to make public proclamation throughout their respective bailiwicks of such alteration.

Proclamations by sheriff.

*And be it further enacted,* That the circuit court in and for the county of Rensselaer, instead of being held on the first Tuesday in June next, shall be held on the first Tuesday in September next, any appointment thereof to the contrary notwithstanding.

Circuit in Rensselaer.

*And be it further enacted* That the precepts hereafter to be issued in pursuance of the second section of the act concerning courts of oyer and terminer and gaol delivery" passed the 22d day of February 1788, shall instead of being made and issued by the clerk of the supreme court, be made and issued by the assistant attornies general to the several counties within their respective districts in manner and form as prescribed by the said section: for which service the attornies general shall be compensated in the same manner, and at the same rate as for other services by them performed.

Precepts to be issued by assistant attornies-general.

## CHAP. 55.

AN ACT to authorize the raising a further sum of money for repairing the court house in the county of Herkimer.

PASSED the 29th of March, 1799.

WHEREAS the supervisors of the county of Herkimer have requested that a further sum of money might be directed to be raised on the freeholders and inhabitants of the said county, to repair the court house in said county: Therefore

Preamble.

*Be it enacted, by the People of the State of New York, represented in Senate and Assembly,* That the supervisors of the county of Herkimer, be and they are hereby authorized and required to direct to be levied and raised on the freeholders and inhabitants of the said county, the sum of four hundred dollars, with an additional sum of five cents on the dollar for collecting the same, which sum shall be raised, levied and collected in like manner, as the other necessary and contingent charges of the said county are by law levied and collected.

Tax levy in Herkimer county.

*And be it further enacted,* That the said sum of four hundred dollars, shall be collected and paid into the treasury of said county in manner following, that is to say, two hundred dollars thereof on or before the first Monday of November next, and the remaining part on or before the first Monday of November next thereafter; and the treasurer of said county is hereby required and directed to pay the sums of money aforesaid to the order of the commissioners appointed or to be appointed to repair the said court house, retaining in his hands, one cent on each dollar for receiving and paying out the same.

Application of moneys.

*And be it further enacted,* That the said commissioners shall account with the supervisors of the said county for the money so by them to be received and expended for the purposes aforesaid when thereunto required.

Accounts to be rendered.



## CHAP. 56.

AN ACT authorizing the mayor, aldermen, and commonalty of the city of Albany to raise a sum by tax, for defraying the expence of lighting the lamps and for the support of a night watch in the said city.

PASSED the 29th of March, 1799.

**Preamble.** WHEREAS the mayor, aldermen, and commonalty of the city of Albany, have by their petition, requested a law authorizing them, to raise the sum of three thousand dollars for the defraying the expence of lighting the lamps, and for the support of a night watch in the said city. Therefore

**Tax levy in Albany city.** *Be it enacted by the People of the State of New York represented in Senate and Assembly,* That it shall and may be lawful to and for the said mayor, aldermen and commonalty in common council convened, as soon as conveniently may be, after the passing of this act to order the raising a sum not exceeding three thousand dollars by a tax on the estates real and personal of all and every the freeholders and inhabitants within the said city, residing within half a mile westward of Hudson's river, to be applied to the payment of so many watchmen as the said mayor aldermen and commonalty have employed or shall think necessary to employ for guarding the said city for one year, and for defraying the expence for one year of lighting the lamps that now are, or within the period aforesaid may be erected within the said city, which said sum shall be rated and assessed by the assessors of the said city for the time being, and levied, and collected in the same manner, as hath heretofore been accustomed within the said city, for levying and collecting the tax for the maintenance of the poor, and other contingent charges within the said city, and that the tax shall be paid into the hands of the chamberlain of the said city for the time being, to be applied, and disposed of from time to time in such manner for the purposes herein before mentioned, as the said mayor aldermen and commonalty of the said city in common council convened, shall direct and appoint.

**Publication of state-ments.**

*And be it further enacted,* That the chamberlain of the said city for the time being, shall publish, as soon as conveniently may be, a \*state- of all monies received and expended by virtue of this act, in one or more of the public newspapers, printed in the city of Albany.

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## CHAP. 57.

AN ACT relative to the civil relations of persons sentenced to imprisonment for life.

PASSED the 29th of March, 1799.

**Person sentenced to imprisonment-**

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That in all cases where any person hereafter may be duly convicted or attainted of any felony hereafter to be com-

mitted or of aiding, abetting, assisting, hiring or commanding any person to commit any such felony, and shall be adjudged to imprisonment for life in the State prison, such person shall be deemed and taken to be civilly dead, to all intents and purposes in the law.

## CHAP. 58.

AN ACT relative to the salt springs in the county of Onondaga.

PASSED the 29th of March, 1799.

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That after the first day of May next all salt manufactured at the salt springs on the salt reservation in the county of Onondaga except such as is hereafter excepted and with the consent of the manufacturers of such salt as hereafter provided shall be deposited in the public stores and delivered to the superintendant of the salt springs who shall receive the same for inspection and sort it if necessary into two qualities and to pass no salt as first quality but such as is well made free from dirt and filth with the bitterings properly extracted out of the salt and fully drained from pickle and to pass none for second quality but such as is free from bitterings and fully drained from pickle and not more than twenty five per cent inferior to the first quality.

Sorting of salt by superintendant.

*And be it further enacted* That all such salt manufactured as aforesaid shall be packed in good white oak seasoned casks water tight and well hooped with twelve hoops three on each head and three on each bilge to be thirty inches long and the diameter of each head nineteen inches; to be provided by the manufacturer which salt shall be contained in the same and to be by him branded with the initial letter of his christian name and his sir, name and firm at full length.

How salt packed.

*And be it further enacted* That the said superintendant shall on the inspection of the salt deposited in his store mark the tare of each barrel on the bilge and on the head to be branded and after the salt is packed to weigh the barrel and salt and deduct the tare and mark with marking irons the neat proceeds of salt each barrel or cask contains under the brand with the words salt first quality salt second quality as the case may be and shall mark under the words second quality the number of cents he shall adjudge such salt to be worth per bushel with the initial of his first name and his surname at full length thereunto subscribed or branded.

Branding of barrels.

*And be it further enacted* That the said superintendant on receiving and inspecting any salt as aforesaid in the public stores shall give the lessee or manufacturer a certificate for the same and shall deliver the same salt to the bearer of such certificate on his paying five cents for rent and storage for every fifty six pounds weight of such salt.

Certificate to be given.

*And be it further enacted* That it shall and may be lawful for the said superintendant, for the convenience of those who wish to send their salt immediately off by water to inspect such salt on the public wharf in Salt street leading to Bason harbour.

Inspection at wharf.

*And be it further enacted* That no salt shall be shipped off but from the said public wharf at Bason harbour on penalty of five dollars for every bushel so shipped off to be paid by the shipper or the person

All salt to be shipped from wharf.

receiving the same in any boat or vessel, besides the forfeiture of the salt which shall be seized for the people of this State.

Powers of  
superin-  
tendant in  
searching.

*And be it further enacted* That the said superintendant and his assistant be and they are hereby severally authorized to enter on board of any boat or vessel or in any waggon sled or sleigh or in any other carriage or vehicle of conveyance and stores or buildings where salt shall or may be suspected to be deposited for the purpose of disposing of, or conveying the same away contrary to the true intent and meaning of this act within the limits of the public salt reservation and on discovery of any such salt the same shall be seized and removed to the public stores for the use of the people of the State.

Packing of  
uninspect-  
ed salt in  
branded  
barrels.

*And be it further enacted* That if any person shall pack into any barrel or cask of salt branded and marked as aforesaid any uninspected salt in order for sale or exportation without first cutting out the said brands and marks and having the same inspected as aforesaid the person or persons so offending shall forfeit the sum of five dollars.

Counter-  
feiting  
brand  
marks.

*And be it further enacted* That if any person or persons shall counterfeit any of the aforesaid brands or marks or mark or brand any barrel or cask of salt with such counterfeit marks or brands he she or they being thereof convicted shall for every such offence forfeit and pay the sum of twenty five dollars.

Counter-  
feiting cer-  
tificates.

*And be it further enacted* That if any person or persons shall counterfeit any certificate the said superintendant shall give for salt inspected and deposited in the public store as aforesaid he she or they being duly convicted of the same shall be adjudged guilty of forgery and punished accordingly.

Bins to be  
made.

*And be it further enacted* That it shall and may be lawful for the said superintendant to make as many bins in the public stores at the expence of the State as he may judge necessary for the deposit of salt manufactured as aforesaid before the same is inspected and put into casks as aforesaid.

Buying,  
selling, or  
conveying  
unmanu-  
factured  
salt.

*And be it further enacted* That if any manufacturer of salt or other person shall buy or sell or convey by land or water any salt from the limits of the said salt works before the same shall have been inspected as aforesaid he shall forfeit and pay for every bushel of salt carried away bought or sold the sum of five dollars and the salt so carried away shall be seized for the use of the people of the State.

Recovery  
of forfeit-  
ures.

*And be it further enacted* That each forfeiture in this act mentioned shall and may be sued for and recovered by the said superintendant in his own name in an action of debt before any court having cognizance of the same and the one half when received shall be for the use of the State and the other half for the person who shall give information of the offence to the superintendant.

Arrears for  
rent and  
storage.

*And be it further enacted* That it shall and may be lawful for the lessees of the salt springs or the manufacturers of salt at the said salt springs respectively to pay unto the said superintendant the arrears due from them respectively for rent and storage in salt deposited in the public stores and inspected as aforesaid at any time before the first day of October next he the said superintendant allowing therefor the legal price of such salt together with the first costs of the barrels or casks containing the same after deducting the rents or duties and storage of the same. *Provided always* that every such lessee or manufacturer shall first pay the costs which have accrued in any suit for such rent and also execute an indorsement upon his or their lease purporting that he or they do agree to hold and enjoy the premi-

ses contained in every such lease subject to the further provisions terms and conditions prescribed in and by this act reciting in such indorsement the title of the same.

*And be it further enacted* That all proceedings in law by the attorney general for the recovery of the said arrears for rent and storage be and the same are hereby suspended until the said first day of October next and upon certificate to the attorney general from the said superintendent certifying that any person so prosecuted as aforesaid has paid the arrears due and owing from him with the costs of suit the attorney general shall discontinue such suit.

Proceedings suspended.

*And be it further enacted* That it shall and may be lawful for the said superintendent to sell such salt as aforesaid received for rent and storage for a less price in cash than is permitted to the said lessee or manufacturers at his discretion *provided* that the salt of the first quality shall not be sold for less than forty cents and the second quality in proportion.

Sale of salt for rent and storage.

*And be it further enacted* That no barrel or cask shall be sold by any lessee or manufacturer of salt being marked and branded as aforesaid and containing salt inspected as aforesaid for more than one dollar.

Price of salt limited.

*And be it further enacted* That the superintendent shall at the end of each quarter on settlement with the lessees or manufacturers aforesaid allow and credit them whatever sums may be due to them respectively on account of his receiving four cents per bushel on the salt delivered from the public store on certificates given by him for the rents of such of the lessees or manufacturers who pay by the capacity of the kittle (may be less than four cents per bushel).

Settlement with superintendents.

*And be it further enacted* That it shall and may be lawful for the superintendent to build a boat to enable him to go by water to the different manufacturers of salt the cost of which shall not exceed twenty five dollars, and also to lay out the sum of one hundred and sixty dollars in finishing the inside of the public dwelling house at Salina which said sums of money are to be paid out of the money which shall remain after compleating the store and wharf granted by the act entitled "An act concerning the salt springs in the county of Onondaga passed the first day of April in the year of our Lord one thousand seven hundred and ninety seven.

Boat to be built; repairs to house.

*And be it further enacted* That the comptroller in settling the accounts of the said superintendent shall allow him for necessary stationary brands and other implements necessary for the inspection of salt, and also for the surveying the lots directed to be leased.

Superintendent to be allowed cost of branding implements.

*And be it further enacted* That there be allowed to the said superintendent annually the sum of one hundred dollars over and above his stated salary to enable him to hire an assistant which shall commence from the first day of September last past.

Allowance for assistant.

*And be it further enacted* That the said superintendent be and he is hereby authorized and directed from time to time to remove all nuisances from the streets of the village of Salina and to prevent any person or persons erecting any buildings in the said streets.

Removal of nuisances.

*And be it further enacted* That if any person or persons shall cut or carry away any wood or timber from the lands reserved by the State for the salt works at Onondaga without the permission of the said superintendent the person or persons so offending shall forfeit treble the value of the wood or timber so cut or carried away to be recovered by the superintendent in his own name with costs of suit for the use of the people of this State.

Trespass on wood lands.

Annual  
settlement  
of ac-  
counts.

*And be it further enacted* That the said superintendant shall on the first day of January next or within six days thereafter close his accounts with each lessee or manufacturer of salt and account with the comptroller and thereafter shall close his accounts with such lessees or manufacturers quarter yearly and account with the comptroller yearly and also report to the legislature the state of the salt works at Onondaga.

Pleadings  
in actions  
on the part  
of the  
State.

*And be it further enacted* That in all or every suit or action brought and now depending or to be brought or prosecuted in the name of the people of the State of New York or in their behalf on any contract, covenant, or agreement whatsoever sealed or not sealed it shall be sufficient to state set forth or declare that the defendant or defendants, or if the suit is against heirs devisees or administrators, the ancestor testator or intestate, was or were indebted to the people of the State of New York, in the sum demanded or to be demanded by reason of breach of covenant contract or agreement according to the nature of such suit or action whereby an action hath accrued to the people of the State of New York to demand and have the sum so demanded and that the particular grounds of such demand and the special matter may be given in evidence upon such declaration and that in any such action any part of the sum so declared for, or contained in the said declaration as the evidences will warrant may be recovered.

Advertise-  
ments for  
sale of cer-  
tain lots.

*And be it further enacted* That the superintendant of the salt works shall advertise for sale for six weeks successively in the newspapers printed by the printer of this State one of the printers at Whites town, and the printer at Lavana lots number nineteen, twenty, twenty one, twenty two twenty eight, thirty four, thirty nine, forty, forty one and forty two in the village of Salina and at the time and place mentioned in such advertisements (which place shall be at said village) he shall expose the said lots at public auction separately and sell them to the highest bidders respectively. *Provided* that no lot shall be sold for a less sum than forty dollars and each purchaser shall for every lot so purchased by him immediately pay as part of the purchase money the sum of ten dollars and if he shall within twelve months thereafter pay the remainder of the purchase money and erect a building or buildings on such lot of the value of two hundred dollars he shall be entitled to a deed in fee for the same otherwise the said first payment to be forfeited to the people of this State and such purchase to be void. And when any purchaser shall produce to the surveyor general certificates from the superintendant and treasurer that he has purchased any lot as aforesaid and performed the conditions hereby required, the surveyor general shall thereupon execute to him a deed for the same as aforesaid.

Certain lots  
to be laid  
out and  
leased.

*And be it further enacted* That it shall and may be lawful to and for the said superintendant to lay out the space of ground between Carbone and Spring streets in front of Free street in Salina into convenient lots for manufacturing salt and sufficient for those of the surplus water of said salt springs and to lease the said lots upon the like terms and conditions as are specified and contained in the fourth section of the act entitled "An act supplementary to the act entitled An act concerning the salt springs in the county of Onondaga." *Provided* that at the expiration of such leases no compensation shall be allowed any such lessee for any buildings or improvements made on any such lot, but such lessee shall be at liberty to remove any such buildings from said lot.

Account  
with State.

*And be it further enacted* That the comptroller of this State shall credit the accounts of the said superintendant and draw his warrant

on the treasurer for the balance found due him and the treasurer shall thereupon pay to the said superintendant the balance so found due as aforesaid.

*And be it further enacted* That the said superintendant shall not be subject to any assessment of work or labour on the highways or public roads in the town of Onondaga, any former law to the contrary notwithstanding. Superintendent exempt from highway labor.

## CHAP. 59.

AN ACT to establish a turnpike corporation, for improving the road, from the city of Hudson, to the line of Massachusetts, on the route to Hartford.

PASSED the 29th of March, 1799.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That Thomas Jenkins, Nathaniel Greene, Cotton Gelston, David Lawrence, Alexander Coffin, Daniel Penfield, Reuben Folger, Elisha Jenkins, Rufus Backus, Elisha Pitkin, Benjamin Haxstun, Robert Jenkins, Marshal Jenkins, James Mooklar, Robert Folger, Benjamin Allen, Thomas Frothingham, Samuel Edmunds, John Hathaway, and James Hyatt, and all such persons as shall associate for the purpose of making a good and sufficient road from the city of Hudson, to the line of the State of Massachusetts; running from the said city hall, in the most convenient and direct route to the court house in the town of Claverack, by the house of Samuel B. Webb, thence the most convenient and direct route to the house of Abraham I. Vosburgh, by the house of Stephen Miller, thence the most convenient and direct route to the house of John Hagerman, and thence the most direct and convenient route to the line of the State of Massachusetts, by the house of Ambrose Latting, continuing in the present road, as far as circumstances will admit, shall be, and hereby are created and made a body politic and corporate, in fact and in name, by the name of the President Directors and Company of the Columbia Turnpike Road, and that by that name, they shall be capable in law to purchase, have, hold, enjoy, and retain, to them and their respective successors, lands, tenements, hereditaments, goods and chattels, and effects of every kind whatsoever, and the same, or any part thereof to sell, grant, demise, alien or dispose of, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in courts of record, or any other place whatsoever, *provided however* that the amount of the real estate, which the said corporation are hereby authorized to purchase and hold, shall not exceed two thousand dollars, *and provided further*, that such estate, so to be purchased and held, shall be necessary to fulfil the end and intent of the corporation hereby created and made, and to no other use, intent or purpose whatsoever.

Columbia Turnpike Road Company incorporated.

*And be it further enacted* That Elisha Jenkins, Rufus Backus, and Elisha Pitkin, be, and they are hereby appointed commissioners to do and perform the several duties herein after mentioned, that is to say, they shall, on or before the first day of May next, procure two books, and in each of them, enter as follows, "We whose names are hereunto subscribed, do for ourselves and our legal representatives, promise to pay the president, directors and company of the Columbia turnpike road the sum of twenty five dollars, for every share of stock in the

Subscriptions to stock.

Election of  
directors.

said company, set opposite to our respective names, in such manner and proportion, and at such time and place, as shall be determined by the said president, directors, and company; and every subscriber shall at the time of subscribing, pay unto either of the said commissioners, the sum of ten dollars, for each share so subscribed; and the said commissioners shall as soon as four hundred shares have been subscribed, cause an advertisement to be inserted in the public newspaper printed in Hudson, giving, at least, twenty days notice of the time and place the said subscribers shall meet, for the purpose of choosing thirteen directors who shall be stockholders for the purpose of managing the concerns of the said company for one year, and the day of choosing the said directors, shall thereafter be the anniversary day of choosing directors; and the said directors, elected by a plurality of the votes of the stockholders present, shall immediately proceed to the choice of one of their number for president; and the said president and directors, shall and may meet from time to time, at such time and place, as they may by their bye laws direct, and shall have power to make such bye laws, rules, orders, and regulations, not inconsistent with the constitution or laws of this State or of the United States, as shall be necessary for the well ordering the affairs of the said corporation; *provided* that at the election of directors, no person shall have more than ten votes, whatever number of shares, he may be entitled to, and that such person shall be entitled to one vote for every share by him held, under the said number.

Limit of  
stock; officers.

*And be it further enacted*, That the said president and directors may continue to receive subscriptions to the stock of the said corporation, until there shall be one thousand shares subscribed; that they shall have power to appoint such officers, agents, clerks, artists, workmen, and others, under them, as shall be necessary for executing the business of the said corporation.

Power of  
taking  
lands for  
purposes of  
laying out  
road; ap-  
praisement  
of value.

*And be it further enacted*, That the said corporation by the president and directors, or by any agent, superintendent, artist, or other persons employed by them, may enter into land, where they shall deem it proper to construct the said road, and to lay out and survey such routes or tracts as shall be most practicable, for effecting a good and sufficient road, between the places aforesaid; and the said president and directors may contract with the owners of said land, for the purchase of so much thereof, as shall be necessary, for the purpose of making said road, and for erecting and establishing gates, toll houses, and all other works, to the said road belonging; but in case of disagreement, or in case the owner thereof shall be feme covert, under age, or non compos mentis, or out of the country, then it shall and may be lawful to and for the said president, and directors, to apply to one of the judges of the court of common pleas, of the county in which said land is situated. who is hereby authorized, upon such application being made to issue, his writ, directed to the sheriff of the county, commanding him that by the oath of twelve good and lawful men of his bailiwick, who shall be indifferent to the parties, he shall enquire whether the person or persons owning any lands or tenements, necessary to be used by the president and directors, or which shall be injured by the establishment of the said road or turnpike, in which writ the person or persons shall be named, and the lands or tenements shall be described in such writ, shall suffer and sustain any and what damages by reason of taking any lands tenements or hereditaments necessary for the use of the said road and upon such writ being delivered to said sheriff, he shall give at least, ten days previous notice

in writing to the owners and occupants of the premises, if within his bailiwick, and shall cause to come at the time, twelve good and lawful men, to whom he shall administer an oath, that they will diligently enquire into the matters in said writ contained, and a true verdict give, according to the best of their judgment, without favour or partiality; thereupon the sheriff and inquest, shall proceed to view the premises, and ascertain the injury and damages, if any, which the owner or owners of such land or improvements, will sustain, by means of so much of the said lands and tenements being vested in said corporation; and the said sheriff and jury shall make an inquisition under their hands and seals, setting forth the damages, if any, sustained as aforesaid, and the sheriff shall return the said inquisition to the next court of common pleas; and if such writ shall appear to be duly and properly executed, and the return thereof be sufficiently certain then the said court shall thereupon enter judgment, that the said corporation; paying to the several owners as aforesaid, the several sums awarded in the said inquisition, or bringing the same into the said court, over and besides the costs of such writ and of executing and serving the same, shall be entitled to have and to hold to them and their successors, and assigns forever, the lands, tenements and improvements, described in the said inquisition.

*And be it further enacted,* That it shall and may be lawful to and for the president, directors and company of the said corporation, and their superintendants, artists, workmen and labourers, with carts, waggons, and other carriages, with their beasts of draft and burthen, and all necessary tools and implements, to enter upon the lands, contiguous or near to the said road, first giving notice of such intention to the owners or occupants thereof, and doing as little damage thereto as possible, and repairing any breaches they make in the inclosures thereof, and making amends for any damages that may be sustained, by the owners or occupants of such ground, or improvements, by appraisement in manner herein after directed, and upon a reasonable agreement of the owners or occupants, if they can agree, or if they cannot agree, then upon an appraisement to be made upon the oath of three or if they disagree, any two indifferent freeholders, to be mutually chosen, or if the owners or occupants neglect or refuse to join in the choice, to be appointed by any justice of the peace of the county; and on tender of the appraised value to take any timber, stone, gravel, sand or earth, being most conveniently situated for making or repairing the said road and turnpikes, and to use the same in carrying on the said work.

Entry on  
lands:  
damages.

*And be it further enacted* That the said president directors and company, shall cause a road to be laid out, at least, fifty feet wide, twenty feet of which shall be bedded with wood, stone, gravel, or any other hard substance, well compacted together, a sufficient depth to secure a good and solid foundation to the same, and the said road shall be faced with gravel or stone pounded, or other small hard substance, in such manner as to secure a firm, and as near as the materials will admit, an even surface, rising towards the middle by a gradual arch; and they shall during the continuance of this act maintain and keep the same in good and perfect order.

Manner of  
construct-  
ing road-  
way.

*And be it further enacted,* That as soon as the said president, directors and company, shall have perfected the said road, for any distance from either end of said road, not less than ten miles, and so, from time to time any other like distance progressively, they shall give notice thereof to the governor of this State, who shall thereupon forth-

License by  
governor.



with nominate and appoint, three skilful and judicious persons to view the same, and report to him in writing, whether the said road is so far executed in a masterly and workmanlike manner, according to the true intent and meaning of this act, and if their report be in the affirmative, then it shall be lawful for the governor, by licence under his hand, and the privy seal of the State, to permit, and suffer the said president, directors and company to erect and fix such and so many gates and turnpikes, upon and across the said road, as will be necessary and sufficient to collect the tolls and duties, herein after granted to the said corporation, from all persons travelling the same; *provided always* that such gates or turnpikes, shall be erected at a distance, not less than ten miles from each other, *provided also*, that the most westerly gate or turnpike shall be erected on the said road in the town of Claverack near the dwelling house of Peter Measick, west of the junction of the road, leading from Spencertown and Nobletown; at which gate or turnpike, one half of the amount of the tolls and duties hereinafter established, may be taken, and no more.

Rates of  
toll.

*And be it further enacted* That as soon as such road is perfected, or such part thereof as aforesaid, and the same being examined and licensed in manner aforesaid, it shall and may be lawful for the president, directors and company, to appoint a sufficient number of toll gatherers, to collect and receive from every person using the said road, not exceeding the tolls and rates hereinafter mentioned, that is to say, for any number of miles, not less than ten, the following sums of money, and so in proportion, for any greater or less distance, to wit, for every score of sheep, eight cents; for every score of hogs, eight cents; for every score of cattle, eighteen cents; for every horse and rider, or led horse, five cents; for every sulkey, chair, or chaise, with one horse and two wheels, twelve cents and a half; for every chariot, coach, coachee or phaeton, twenty five cents; for every stage waggon, or other four wheeled carriage drawn by two horses, and for every cart drawn by two oxen, twelve cents and a half, and three cents for every additional horse; for every sleigh and sled, eight cents, if drawn by two oxen or two horses, and in the like proportion if drawn by a greater or lesser number of horses or oxen; and it shall be lawful for any of the said toll gatherers, to stop any person riding, leading or driving any of the herein enumerated articles from passing through the said gates or turnpikes, until they shall have respectively paid the toll, not exceeding the rates above specified.

Gates open  
at night.

*And be it further enacted* That all the gates on the said road shall be opened at nine o'clock at night, and left open until day break in the morning, and no toll shall be demanded between the said periods.

Evading  
toll.

*And be it further enacted*, That if any person who shall use the said road shall with a view to evade the payment of the tolls required by this act, leave the said road and go round the said gates, every such person shall for each such offence, forfeit and pay to and for the use of the president, directors and company aforesaid, the sum of ten dollars, to be sued for in their names, before any justice of the peace, by action of debt, to be recovered, with costs of suit.

Unreason-  
able delay  
at toll  
gates.

*And be it further enacted*, That if any of the toll gatherers shall unreasonably delay or hinder any passenger or traveller, at any of the gates, or shall demand or require more toll, than is by this act established, he shall, for each and every offence, forfeit and pay the sum of two dollars, to be recovered in manner and form aforesaid, with costs of suit, in the name and for the benefit of the party delayed, hin-

dered, or defrauded, besides all special damage accruing to the person, so stopped or delayed.

*And be it further enacted,* That the said corporation shall cause posts to be erected at the intersection of every public road or highway, falling into and leading out of the said turnpike road, with boards and an index hand, pointing to the direction of such road, on both sides whereof shall be inscribed in legible characters, the name of the principal place to which such road leads, and the distance thereof in computed miles. And the said corporation shall also cause mile stones to be placed on one side of the said road, in its whole extent, whereon shall be marked in legible characters, the respective number of miles, from the place of commencing the said road, and also shall cause to be affixed up in a conspicuous place, at each gate or turnpike, a printed list of the rates of toll. Mile-stones and guide-posts.

*And be it further enacted,* That the said corporation shall cause to be kept a fair and just account of all monies received for toll on the said road and shall make and declare a dividend of the clear profits and income (all contingent charges being first deducted) amongst all the stockholders of the stock of the said corporation, and shall on the second Tuesday in January and July, in every year, publish the half yearly dividend, to be made of the said clear profits, and the time and place, when and where the same will be paid, and shall cause the same to be paid accordingly. Dividends.

*And be it further enacted* That the said corporation shall within six months after the said road is completed, lodge in the office of the comptroller, an exact account of the expenses thereof; and the said corporation shall annually exhibit to the comptroller, a true account of the dividends made and arising from the said toll, with the annual disbursements on said road. Accounts to be lodged with comptroller.

*And be it further enacted* That the comptroller shall, and he is hereby required to report to the legislature, whenever it shall appear from the accounts, so to be exhibited to him, that the income arising from the said tolls shall have fully compensated the said corporation, for all monies they may have expended in purchases, making, repairing, taking care of the said road, and for all other expenditures, thereon, together with an interest of fourteen per cent, by the year; and thereupon the said corporation shall be dissolved, and the interest and property of the said road shall be vested in the people of this State, *provided* that if the said corporation shall not proceed to commence work on the said road, within two years after passing this act, or shall not in five years thereafter complete the said road according to the intent and meaning of this act, then and in either of these cases, this act shall cease, be void, and of no effect. Dissolution of corporation.

## CHAP. 60.

AN ACT for continuing in force an act entitled "An act repealing an act entitled "An act for granting and securing to John Fitch the sole right and advantage of making and employing the steam boat by him lately invented, and for other purposes.

PASSED the 29th of March, 1799.

WHEREAS Nicholas I. Roosevelt hath by his petition set forth, that Preamble.  
in virtue of an act entitled "An act repealing an act entitled "An act

for granting and securing to John Fitch the sole right and advantage of making and employing the steam boat by him lately invented and for other purposes, he hath together with his associates expended a very considerable sum of money in endeavouring to effect the objects of the said act, but that from various unavoidable accidents, he and his associates have not been able to comply with the conditions therein contained, tho' he has reason to hope that the same may be effected, if sufficient time is for that purpose afforded, and praying that in consideration of their great expence and the extream utility of the object, no advantage may be taken of their non compliance with the condition in the said law contained, but that the said law may be continued in force for twenty years from the first day of June next, *provided* the conditions therein contained are fulfilled within two years from the first day of June next; which petition appearing just and reasonable, and being agreed to by the person for whose benefit the said act was passed.

Act continued in force.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the act aforesaid shall be and is hereby continued in force for twenty years from the first day of June next; *provided nevertheless* that the several conditions in the said act contained are complied with in manner as in and by the said act is directed, within two years from the first day of June next.

Who entitled to benefits.

*And be it further enacted* That Nicholas I. Roosevelt and the several persons associated with him be entitled to the priviledges and benefits resulting from the said act in proportion to the advances they have heretofore made, and the shares they severally hold in the works already erected.

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## CHAP. 61.

### AN ACT to regulate the salting repacking and inspection of beef and pork for exportation.

PASSED the 29th of March, 1799.

Preamble.

WHEREAS it will be conducive to the public interest to revise the regulations heretofore established for salting and repacking of beef and pork, exported from this State to foreign markets, and to add thereto such improvements as experience has suggested, whereby these extensive articles of export, may be kept good, sweet and wholesome, and abuses therein be prevented: Therefore,

Appointment of inspector-general and inspectors and repackers of beef and pork.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That it shall and may be lawful, for the person administering the government of this State, for the time being, by and with the advice and consent of the council of appointment, before the first day of May next, to appoint five repackers and inspectors of beef and pork, for the city and county of New York; one or more for the city of Albany, one or more for the city of Hudson, and as many, in any other parts of this State, as shall from time to time be necessary: *And also,* before the said first of May, an inspector general for the city and county of New York, who is hereby authorized and required to superintend the repackers of beef and pork within the said city and county of New York, which repackers and inspectors last mentioned, are hereby required to follow such instructions and directions as they or any of them may receive from time to time, from the said inspector

general, in relation to the duties required of them by this act. And the said inspector general is hereby authorized and empowered to displace and remove any of them who shall act inconsistently with the trust reposed in them, from negligence, incapacity, malpractice, or any other cause; and the said inspector general shall appoint some fit person to act in the room of the person so displaced, until some person shall be appointed by the council of appointment; for which purpose the said inspector general, shall report the said removal and appointment by him, to the person administering the government of this State, immediately after the same is made.

*And be it further enacted*, that the repackers to be appointed by virtue of this act, shall provide themselves with good and sufficient stores, capable of receiving and storing such beef and pork as may be brought to them for inspection, but nothing shall be allowed for storage of any beef or pork, inspected by them, if it shall be removed and taken away within three days after notice given to the owner or agent, of its being repacked.

*And be it further enacted* That all barrels in which any beef or pork shall be repacked, shall be made with good seasoned white oak staves and heading, clear of sap, and shall be of a capacity to contain not less than twenty eight, nor more than thirty gallons; each barrel shall have twelve good hoops, the quarter hoops well secured with wooden pegs, and the chine hoops with nails; the head flagged off and the barrel every way strong, and tight enough to prevent the pickle from leaking out; that all half barrels shall be made of like materials, and shall be secured in like manner; and shall be of a capacity to contain, not more than fifteen, nor less than fourteen gallons. That a barrel of beef shall have two hundred pounds of beef packed therein, and a barrel of pork shall have two hundred pounds of pork packed therein, and a half barrel of either shall have one half the said quantities respectively. *Provided nevertheless*, that all beef and pork which shall be repacked in, and exported from the counties of Suffolk, King's and Queens, may be packed in be packed in barrels made of good seasoned red oak or black oak staves and heading, free from sap, of the growth of the said counties respectively, and made otherwise as above directed; and all the said barrels shall be as nearly straight as may be.

*And be it further enacted* That the repackers so to be appointed, shall examine and sort all pork, which shall be killed after the first day of October next, to be by them repacked, and such only as is well fattened, shall be repacked by them. That the best quality of pork, shall be denominated mess pork, and shall consist of none but the sides of good fat hogs, and the barrels containing it shall be branded on one of the heads Mess Pork, and the second quality shall be denominated prime pork, of which there shall not be in a barrel more than three shoulders, without the legs, which shall be cut up to the knees; and shall not contain more than twenty four pounds of head that shall have the ears and snouts cut off, and on one of the heads of every such barrel of pork shall be branded Prime Pork; and the third quality of pork shall be denominated cargo pork, of which there shall not be in a barrel, more than four shoulders, without the legs, and not more than two heads, which heads shall not exceed thirty pounds weight, and shall be otherwise merchantable pork, and shall be branded on the head, Cargo Pork; that every half barrel of mess, prime, or cargo pork, shall contain one half the quantity of the different kinds or qualities of pork of whole barrels. Pork so to be repacked shall be cut into pieces, as nearly square as may be, and

Stores to  
be provided.

Regulations concerning  
barrels.

How pork  
sorted,  
packed and  
branded.

Mess pork.

Prime  
pork.

Cargo  
pork.

which in size shall not exceed twelve, nor be under four pounds, otherwise the barrels containing the same shall not be branded as merchantable. In every whole barrel of pork, there shall not be less than half a bushel of good St. Ubes, or hard salt, and in every half barrel, one peck.

How beef  
sorted,  
packed and  
branded.

*And be it further enacted* That no beef, which shall be killed after the first day of October next, shall be repacked in barrels for exportation, unless it be of fat cattle, not under three years old; that all such beef shall be cut into pieces as nearly square as may be, and which in size shall not exceed eight, nor be under five pounds weight, and no shank or bony piece shall be put in as merchantable, from which the meat or any part of it shall have been cut for smoaking or otherwise. That no beef shall be repacked by the said inspectors and marked by them as herein after mentioned, unless it shall have been well rubbed and put down with a sufficient quantity of dry salt, in which it shall have remained fourteen days or more, and until it shall appear to the repacker that the salt is fully struck in; and if it shall appear to him, that the salt is not fully struck in, or that the same has not been well rubbed and put down, and so continued for fourteen days or more, in a sufficient quantity of dry salt as above directed, it shall be the duty of the repacker to cause it to be well rubbed himself with dry salt, until the blood and water are sufficiently extracted, and the salt fully struck in; the expence of which shall be paid to the repacker, before the beef so salted by him shall be taken away: and no pickle shall be put to any beef, before it is repacked by one of the repackers authorized as above mentioned otherwise the same shall not be branded as merchantable. All beef that shall have been killed under the age before mentioned, or that shall be poor, or not sufficiently fattened, or which shall have been managed differently from the directions of this act, or that is in any way unmerchantable, may be put up in barrels, but shall not be branded, with, either weight, quality, or inspectors name, nor the name of any city, or county, within this State. That all beef, which the repacker shall on examination, find to have been killed at a proper age, fat, well salted, and otherwise good and merchantable, shall be salted and repacked by him, and shall be divided into three

Mess beef.

kinds, to be denominated Mess, Prime, and Cargo beef; mess beef, shall consist of the choice pieces of such beef as is large and fat, without hocks, shanks, or necks, which choice pieces shall be put into barrels by themselves, and on one of the heads of each barrel, containing this description, shall be branded the words, Mess Beef; that

Prime beef.

the prime beef, shall consist of the next best pieces, made of good fat cattle, in which there shall not be more than half a neck, nor more than two shanks with the hocks cut off, in a barrel, and on one of the heads of all barrels containing beef of this description, shall be branded

Cargo beef.

the words Prime Beef. That Cargo beef, shall be of fat cattle, with a proportion of good pieces, and not more than half a neck, and three shanks with the hocks cut off, in a barrel, and to be otherwise merchantable, and on one of the heads of the barrel, containing beef of this quality, shall be marked the words, "Cargo Beef." That the repackers, in repacking the said beef, shall put two and a half pecks of coarse salt, (St. Ubes' salt if to be had) into each barrel of the said beef, together with three ounces of salt-petre, and one half the said quantities into each half barrel.

How beef  
and pork  
pickled;  
weight

*And be it further enacted*, That in repacking all beef and pork within this State, at whatever season of the year the same may happen it shall be pickled with a strong good pickle, made of fresh water, and

of salt, not finer than Lisbon salt; and if the barrels and half barrels shall be larger than the dimensions aforesaid, the same shall be condemned by the repacker, or be filled up by him with good pieces of beef or pork, at the expence of the owner. Every barrel and half barrel of merchantable beef and pork, inspected, admitted, and repacked as aforesaid, shall be distinctly branded in large letters on one of the heads thereof, "Inspected," with the weight in figures, the initial of the Christian name, and the surname at length of the inspector, and the name of the city, town, or county, wherein it was repacked, and the quality as above mentioned. Every inspector as aforesaid shall carefully secure his branding-irons, so as to put it out of the power of his servants or others, to obtain and make use of the same, contrary to the true intent and meaning of this act. And each inspector shall be provided with a screw suitable for the purpose, to press down the meat into the barrels, and no weight of any kind shall be used to pound the meat, to force it into the barrel, under the penalty of ten dollars, for every such offence.

*And be it further enacted* That if any person within this State shall secure and put up any quantity of beef or pork, not less than two hundred barrels of each, within one year, and shall put up the same in barrels, or half barrels, containing the weight specified in this act, and shall produce a certificate from a justice of the peace, of the place where such beef or pork was put up, purporting that such person had cured and put up the number of barrels or half barrels aforesaid, containing the weight aforesaid within the same year, together with an affidavit to the same purport of the person who did cure and put up such beef and pork, it shall be lawful for such person to export such beef and pork, without being further repacked, upon branding his name at full length on one head of each barrel or half barrel.

*And be it further enacted* That no beef or pork shall be exported from this State, unless repacked as in and by the act is authorized and directed.

*And be it further enacted* That every of the repackers to be appointed by virtue of this act, shall, before he enters upon the execution of his office, take the following oath or affirmation, before any justice of the peace, viz:

I do solemnly swear or affirm, that I will faithfully, truly, and impartially, according to the best of my judgment, skill, and understanding, execute, do, and perform, the office and duty of an inspector and repacker of beef and pork, according to the true intent and meaning of the laws of this State, relative to the same, and that I will not, directly or indirectly, brand, or suffer to be branded any casks of beef or pork, but what shall be sound and good.

*Provided always, and be it further enacted* That it shall and may be lawful, for any owner of any beef or pork, to have the same repacked in any store, yard, or vessel, except in the city and county of New York, by either of the repackers, so to be appointed as aforesaid, but no beef or pork shall be repacked in any place in the city and county of New York, except in the stores to be appointed for that purpose, by the said repacker, according to the directions of this act, under the penalty of ten dollars, for every such offence. That the repackers shall have and receive from the owners of beef and pork, for repacking the same, in the stores, by the said repackers, provided for that purpose, at the rate of twenty cents, for each barrel, and twelve cents, for each half barrel; and if repacked in any other store, yard, or vessel, twenty five cents for each barrel and fifteen cents, for each half barrel; and

to be  
branded.

Where per-  
son puts  
up over  
two hun-  
dred bar-  
rels in one  
year.

Not to be  
exported  
unless re-  
packed.

Oath of of-  
fice of in-  
spectors.

Where re-  
packing  
may be  
done.

Fees of re-  
packers.

whether repacked in the store, provided by the repacker, or in any other yard, store or vessel, the repacker shall receive for each hoop wanting, and put on by such repacker, three cents, and for flagging, nailing, pegging, and pickling, each barrel, twelve and an half cents, and each half barrel, nine cents, the owner paying for the salt and salt petre.

Neglect by repacker.

*And be it further enacted,* That if any repacker of beef or pork, shall neglect or delay to repack any merchantable beef or pork, when thereunto required by the owner or owners thereof for the space of forty eight hours, every such repacker shall, for each neglect pay to such owner or owners, the sum of five dollars.

Intermixing after inspection.

*And be it further enacted,* That if any person or persons, shall at any time hereafter, intermix, take out, or shift, any beef or pork, that has been repacked, and branded as aforesaid, every person, so taking out, intermixing and fraudulently shipping such beef, or pork, and being thereof convicted, shall forfeit and pay double the value of the beef or pork so taken out, intermixed, or shifted.

Penalty for offense by repacker.

*And be it further enacted* That for every offence, which the said repackers shall commit against the true intent and meaning of this act, and be thereof convicted, he or they so offending shall forfeit one hundred and fifty dollars, and be rendered incapable of serving again in the office.

Penalty for exporting uninspected beef or pork.

*And be it further enacted,* That if any person or persons shall export or ship for exportation, out of this State, any beef or pork not being inspected, pickled or branded, by one of the sworn inspectors as aforesaid every such exporter or shipper, and the master of every vessel, having on board uninspected beef or pork, shall upon conviction, respectively forfeit and pay the sums following, that is to say, for every barrel so exported or shipped for exportation, the owner or exporter shall forfeit the sum of five dollars; and the master of every vessel having the same on board, the sum of one dollar, *and further,* that the said repackers and inspectors, and every of them shall have full power and authority by virtue of this act, on suspicion that any beef or pork, not inspected as aforesaid, hath been shipped in any vessel for exportation, to apply to any justice of the peace, and on oath to assign to such justice the causes of such suspicion; and if the said justice shall think the said suspicion, well grounded, he shall issue his warrant to the said inspector or inspectors to enter on board any vessel whatever, loading or laden, in this State, either in the whole or in part, and to search for and make discovery of any beef or pork, shipping or shipped on board any such vessel for exportation out of this State, and if any of the inspectors shall discover any beef or pork not repacked, branded, and pickled as directed in and by this act, on board of any such vessel, such inspector shall apply to such justice of the peace, who is hereby authorized and required to issue his warrant, directed to some peace officer or officers, commanding him or them to enter on board every such vessel, having on board such uninspected beef or pork, and cause the same to be relanded and delivered to the owner or owners, upon his or their paying the expence of such search and relanding; and if any person or persons, shall obstruct or hinder any inspector from making such search as aforesaid, or any peace officer in relanding such beef or pork, every person so offending shall forfeit and pay the sum of two hundred and fifty dollars.

Inspector not to act out of county.

*And be it further enacted,* That no inspector of beef and pork, to be appointed by virtue of this act, shall inspect or brand any casks of beef or pork, out of the city or county, for which he shall be ap-

pointed an inspector, upon pain of forfeiting the sum of fifty dollars, and if any persons, other than the said inspectors, shall brand any casks of beef or pork in the manner directed by this act, every person so offending shall forfeit the sum of fifteen dollars, for every cask so branded.

*And be it further enacted*, That the inspector general to be appointed for the city and county of New York, as herein before mentioned, shall before he enters on the execution of his office, take and subscribe the following oath or affirmation, before the mayor, recorder, or one of the aldermen of the said city. I do solemnly swear or affirm, that I will truly, faithfully and impartially according to the best of my capacity and ability, perform the duty of inspector general of beef and pork, according to the laws in force, in relation thereto, without any wilful or intentional omission, neglect, or delays whatsoever.

Oath of inspector-general.

*And be it further enacted* That it shall be the duty of the said inspector general, and he is hereby required, once in each of the months of June, July, August, and September, and as often as he shall think proper, to examine all beef and pork, that may be stored in the said city, and the owner or owners, or agents, having the possession, care or direction, of any beef and pork stored in the said city, are hereby required to give notice to the said inspector general from time to time, during the said months, where the same is stored, and to permit the said inspector general, to enter into any such store for that purpose, and such inspector general is authorized and required to remove or cause to be removed to a proper place without the bounds of the said city, all such beef and pork, as shall appear to him, to be in danger of spoiling, or becoming injurious to the health of the inhabitants of the said city; and the said inspector general, shall moreover, on information given to him of any beef or pork, stored in the said city, being in a putrid state, or likely to become so, go to the place or store where the same is said to be, and shall examine the same immediately, and shall cause the same to be removed, if in his opinion, the removal thereof is necessary as aforesaid; and if any person shall neglect to inform the said inspector general of the place where any beef or pork belonging to or under his direction is stored as above mentioned, or shall oppose or obstruct him in the performance of the duties required of him by this act, such person shall forfeit the sum of fifty dollars for every such offence; and it shall be the special duty of the said inspector general, under his oath of office, to inform against, and prosecute any repacker, or other person or persons, whom he can prove to have been intentionally guilty of any offence whatsoever in violation of the regulations of this act; and the assistant attorney general of the district shall proceed on any information made to him by the said inspector general, as the law requires for the punishment of the offender.

Duty of inspector-general; examination of beef and pork in summer months.

*And be it further enacted* That the said inspector general may, and he is hereby required, to cause to be removed all provisions of any kind, out of any cellar or other place, where the same may be stowed, during the warm season, where, from the heat of the weather, and the damp, or other improper situation of the store or cellar, where the same is kept, the said provisions may in his judgment be in danger of spoiling: And all provisions received and stored in the months of June, July, August, and September, shall be stored in such manner, as that the said inspector general, may with convenience examine the same, under the penalty of ten dollars, for every such neglect; and all provisions, removed by virtue of this act, shall be removed at the expense of the owner or person having charge of the same; and all

Removal of provisions when necessary.



damaged provisions shall be by him, removed in the warm season aforesaid, and thrown into the east or north river.

Fees of inspector-general.

*And be it further enacted,* That the said inspector general, shall have and receive from the owner of beef and pork, or his agent, for every whole barrel of beef and pork, that shall be inspected and repacked, by the inspectors and repackers of the city and county of New York three cents; and for every half barrel so repacked, two cents; and one cent for each barrel and half barrel, every time he may tap the same in the said months, and if occasion shall require the unheading any of the said barrels, the said inspector general shall receive for every barrel and half barrel so unheaded and headed up again, six cents.

Recovery of forfeiture.

*And be it further enacted,* That every of the forfeitures and penalties aforesaid, shall and may be recovered with costs of suit before any justice of the peace or in any court, having cognizance thereof, by any person or persons, who will sue and prosecute for the same, to effect; one moiety of which said forfeitures and penalties, when recovered, shall be paid to the overseers of the poor, of the town or place where the offence shall be committed, for the use of the poor thereof, and the other moiety thereof, to such person or persons, as will sue for the same, as aforesaid.

Acts repealed.

*And be it further enacted,* That all laws passed heretofore, to regulate the repacking of beef and pork, for exportation, and all acts for the amendments thereof, relating to beef and pork, shall be, after the said first day of May next, repealed. And it shall be the duty of the secretary of State, to furnish the inspector general, and each of the repackers and inspectors, to be appointed, according to the directions of this act, with a printed copy thereof, as soon as may be, after their appointment.

Restrictions in New York city.

*And be it further enacted,* That no provisions of any kind shall be inspected in the city of New York, in the months of June, July, August, and September, in any year, to the southward of a line to be drawn from Rutgers's slip, on the east river to Harrison street on the North river, and only on the margin of the said rivers, within the period aforesaid.

## CHAP. 62.

### AN ACT for the gradual abolition of slavery.

PASSED the 29th of March, 1799.

Children of slaves declared free.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That any child born of a slave within this State after the fourth day of July next, shall be deemed and adjudged to be born free: *Provided nevertheless* that such child shall be the servant of the legal proprietor of his or her mother, until such servant if a male shall arrive at the age of twenty eight years, and if a female at the age of twenty five years.

Masters of mother entitled to service.

*And be it further enacted,* That such proprietor his, her, or their heirs or assigns shall be entitled to the service of such child until he or she shall arrive to the age aforesaid in the same manner as if such child had been bound to service by the overseers of the poor.

Certificate of birth to be filed.

*And be it further enacted,* That every person being an inhabitant of this State who shall be entitled to the service of a child born after the fourth day of July as aforesaid, shall within nine months after the birth

of such child, cause to be delivered to the clerk of the city or town, whereof such person shall be an inhabitant, a certificate in writing containing the name and addition of such master or mistress, and the name age, and sex of every child so born, which certificate shall be, by the said clerk recorded in a book to be by him for that purpose provided, which record shall be good and sufficient evidence of the age of such child, and the clerk of such city or town shall receive from said person twelve cents for every child so registered, and if any such person neglects to make a return of every such child as aforesaid to said clerk within nine months after the birth thereof, such person shall forfeit and pay five dollars for every such offence, to be sued for and recovered by the clerk of the city or town in which such person resides, the one half for his own use and the remainder for the use of the poor of the said city or town: *Provided nevertheless* that it shall be and is hereby made the duty of the town clerk to register the certificate of any such child at any time after nine months from its birth; and every master or mistress masters or mistresses of every such child shall forfeit and pay the sum of one dollar for every month, he, she, or they shall neglect to deliver such certificate to the town clerk.

*And be it further enacted*, That the person entitled to such service may nevertheless within one year after the birth of such child elect to abandon his or her right to such service by a notification of the same from under his or her hand and lodged with the clerk of the town or city where the owner of the mother of any such child may reside; in which case every child abandoned as aforesaid shall be considered as paupers of the respective town or city where the proprietor or owner of the mother of such child may reside at the time of its birth and liable to be bound out by the overseers of the poor on the same terms and conditions that the children of paupers were subject to before the passing this act.

*And be it further enacted*, That every child abandoned as aforesaid shall be supported and maintained till bound out by the overseers of the poor as aforesaid at the expence of the State — *Provided however* that the said support does not exceed three dollars and fifty cents per month for each child. And the comptroller is hereby authorized and directed to draw his warrant on the treasurer of this State for the amount of such account not exceeding the allowance above prescribed, and the accounts of the respective towns or cities being first signed by the supervisor of the town or the mayor of the city as the case may be where such child may be maintained as aforesaid — *And provided also* that the person so abandoning as aforesaid shall at his own expence support and maintain every such child till it arrives at the age of one year, and every owner omitting to give notice in due form as aforesaid shall be answerable for the maintainance of every such child until the arrival of the respective periods of servitude specified in the first section of this act.

*And be it further enacted* That it shall be lawful for the owner of any slave immediately after the passing of this act to manumit such slave by a certificate for that purpose under his hand and seal.

Abandonment by person entitled to service.

Abandoned children to be supported at expense of State.

Manumission permitted.

## CHAP. 63.

AN ACT to enlarge the powers of the commissioners of the land office.

PASSED the 30th of March, 1799.

Ex-  
tin-  
guish-  
ment  
of land  
claims.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That it shall and may be lawful for the commissioners of the land office of this State in all cases in which claims exist against this State for lands granted or located under the authority thereof to any person or persons whatsoever the title to which was at the time of granting or locating the same, out of this State, to agree with the said claimants upon such terms as they shall deem reasonable for the extinguishment of their respective claims, and to cause to be ascertained and determined in such manner as the said commissioners shall deem proper, the quantity of other lands to be granted by them to such claimants in lieu of the lands first granted or located by them as aforesaid.

## CHAP. 64.

AN ACT concerning the court of probates.

PASSED the 30th of March, 1799.

Preamble.

WHEREAS by the act entitled an act for erecting a public building in the county of Albany and for other purposes therein mentioned" it is enacted, That the court of probates of the people of this State shall be holden kept and remain within the city or county of Albany; and *whereas* the papers books minutes records and documents belonging or appertaining to the said court of probates chiefly relate to the southern part of the State, and the removal of them to the county of Albany would occasion great inconvenience to the citizens. Therefore

Delivery of  
probate  
records to  
surrogate  
of New  
York.

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That it shall and may be lawful for the judge of the court of probates for the time being and he is hereby required as soon as conveniently may be to deliver to the surrogate of the county of New York for the time being, to remain and be kept in his office all the papers books minutes records and documents belonging or appertaining to the said court of probates on the first day of May in the year of our Lord one thousand seven hundred and eighty seven, except the original wills, if there be any, of persons who were resident at the time of their death in that part of this State now distinguished by the middle eastern and western districts of this State.

*And whereas* the great extent of the State makes it very inconvenient as well as expensive in most cases for executors and administrators to apply to the court of probates either in New York or Albany for the sale of the whole or part of the real estate of their testators or intestates. Therefore

Powers o  
surrogate  
enlarged.

*Be it further enacted* That the surrogates in their respective counties shall and may exercise and perform the like duties which the judge of probates is authorised to exercise and perform by the sixth

seventh and eighth sections of the act entitled "An act for the relief of creditors against heirs devisees executors and administrators and for proving wills respecting real estates" and receive the like compensation for their services in that respect as the judge of probates by law is entitled to receive. *Provided always* that before any surrogate shall proceed in any case under and by virtue of the foregoing provision, he shall be first satisfied from the proof and information to be given him by the executor or administrator of any testator or intestate, that such testator or intestate did not die seized or possessed of any lands or tenements in this State out of the county in which the probate of the will or administration on the estate of any such testator or intestate shall be had; in all other cases the like proceedings shall be had before the judge of the court of probates of this State as if the above and foregoing provision had not been made.

*And be it further enacted* That every one conceiving him her or themselves aggrieved by any sentence decree or order of any surrogate made in pursuance of this act shall have his her or their right of appeal to the judge of probates of this State to be taken within fifteen days next after the sentence decree or order appealed from, be made. Appeals from surrogate's court.

*And be it further enacted* That each of the surrogates in their respective counties shall and may exercise and perform the like duties which the judge of the court of probates is authorised to exercise and perform by the eleventh section of the act entitled "An act for settling intestates estates, proving wills and granting administrations." Powers under certain act.

*And be it further enacted* That in all cases where a petition shall be presented by any executors or administrators for the sale of the whole or part of the real estate of their testator or intestate, and one or more of the devisees or heirs of such testator or intestate shall be infants, such surrogate shall appoint some discreet person being a substantial freeholder, a guardian of such infant or infants for the sole purpose of appearing for and taking care of the interest of such infants in the proceedings therein. Sale of infants' real estate.

*And be it further enacted* That no order shall be made for the sale of any real estate whereof any testator or intestate died seized unless an inventory of the personal estate of such testator or intestate shall have been duly made and filed within one year after the death of such testator or intestate. Inventory to be filed.

*And be it further enacted* That in case any surrogate shall be appointed executor of any last will and testament, the probate whereof ought by law to be granted by such surrogate, it shall be lawful for such surrogate to make and sign a renunciation thereof and to file the same in his office, and then to proceed in respect to the same last will and testament in the same manner as if he had not been nominated as an executor thereof; and if such surrogate shall think proper to act as an executor in the execution of such last will and testament then the same shall be proved before the judge of the court of probates of this State who shall grant the probate thereof in the same manner as if such testator had not been resident in this State; but every will and probate and the letters testamentary thereon shall be recorded by such surrogate in the book for recording wills in his office. Renunciation where surrogate named as executor.

## CHAP. 65.

AN ACT supplementary to the act entitled "An act regulating the liberties of gaols.

PASSED the 30th of March, 1799.

Designation of jail limits.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That it shall and may be lawful for the respective courts of common pleas in such of the counties in this State, in which no gaol is erected and established by law, to appoint and designate some proper house or building in any such county, for a gaol for the same county, for the purposes herein after mentioned and no other, and to appoint and lay out in manner directed by the said recited act, a certain reasonable space of ground not exceeding three acres adjoining to such house or building for the restraint and confinement of imprisoned debtors within such space, and shall cause such appointment to be entered on the minutes of the same courts respectively: *Provided always,* that no appointment as aforesaid to be made under this act, shall continue in force after the building and establishment of a gaol in such counties respectively, nor for any longer period than two years from and after the passing of this act.

Prisoners to go at large in jail limits on giving bonds.

*And be it further enacted* That it shall and may be lawful for any sheriff of any such counties as aforesaid, to permit any prisoner who shall be in his custody on civil process only, to go at large within the limits of any such space as aforesaid appointed in such county; *provided* such prisoner shall procure to such sheriff satisfactory security for his remaining a prisoner within such limits as aforesaid, conformably to the second section of the said recited act; which said security shall be deemed valid in law, any usage custom or law to the contrary in anywise notwithstanding.

Provisions extended to debtors now in jail.

*And be it further enacted* That the above and foregoing provision shall extend as well to debtors now confined in gaol as to those who may be hereafter arrested and in confinement on civil process; and the permitting any such debtor to go at large within such reasonable space or liberties to be appointed by virtue of this act, or removing any such debtor to and within such liberties, shall not in any manner be deemed an escape in any such sheriff.

Bonds to be for indemnity of sheriffs only.

*And be it further enacted* That the bonds to be given in pursuance of the second section of the said recited act to the respective sheriffs in this State, shall be and hereby are declared to be for the indemnity of such sheriffs only; and that such sheriffs who have or may let any prisoners in their custody upon civil process only, go at large within their limits of the respective liberties of the respective gaols without such bond shall not be deemed or taken to have incurred an escape. *Provided always* that nothing contained in this or the above recited act shall be construed to exonerate the said sheriffs in case any such prisoners shall escape and go at large without the said limits.

## CHAP. 66.

**AN ACT** to amend the act entitled An act to extend to the city of Albany "An act entitled "An act for regulating the buildings, streets, wharves and slips in the city of New York."

PASSED the 30th of March, 1799.

*Be it enacted by the People of the State of New York represented in Senate and Assembly;* That in all cases in which the common council of the city of Albany shall deem it necessary to take any ground for the purpose of widening, straightening or laying out any street or streets within the said city belonging to any person or persons whatsoever who shall or may reside within this State, or whose place of residence shall be unknown to the said common council, it shall be lawful for the said common council to give notice in the manner prescribed in and by the said recited acts with respect to owners and proprietors to the occupant or occupants of such ground, and also to cause the like notice to be published eight weeks successively in the news-paper printed by the printer to this State in the city of Albany and in one of the news papers printed in the city of New York, thereby requiring all and every the proprietors of the said ground, and other persons interested therein to appear before the said common council either in their proper persons, or by their lawful attorney or attorneys at a certain day to be inserted in every such notice, not less than nine weeks distant from the date thereof, to treat for the sale of the said ground and that in case such proprietors or other interested persons shall not appear as aforesaid, or in case of disagreement between them and the said common council about the price of the said ground, it shall be lawful for the said common council to proceed to ascertain the value of the said ground and the damages that may arise to the proprietors thereof or the persons interested therein in the manner prescribed in and by the said recited acts; *provided always* that it shall be sufficient in such case to serve a notice of the time and place when and where the jury are to meet for that purpose, on the occupant or occupants of such ground, and in case the same shall be vacant to put up such notice in writing on some notorious part thereof in the day time at least eight days previous to the time of such meeting.

Taking of lands in Albany for street purposes.

*And be it further enacted* That after such value and damages shall have been ascertained in the manner aforesaid the amounts thereof shall be payable by the mayor aldermen and commonalty of the said city to the person or persons entitled thereto, with lawful interest on demand.

Payment of appraised value.

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## CHAP. 67.

**AN ACT** for extending the time limited by the last section of the act entitled "An act to settle disputes concerning the titles to lands in the county of Onondaga.

PASSED the 30th of March, 1799.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the period limited by the last section of the act entitled "An act to settle disputes concerning the titles to

Period limited extended.

Book to be  
filed in  
Cayuga  
county.

lands in the county of Onondaga," shall be and is hereby extended to the first day of June in the year one thousand eight hundred and one. *And be it further enacted* That a book similar to the one which by the third section of the said recited act, is directed to be filed in the office of the clerk of the said county of Onondaga, shall be filed by the commissioners under the said act in the office of the clerk of the county of Cayuga, to have the like effect which by the same section is given to the said first mentioned book. *Provided* that the determinations made or to be made on claims to lands situate in the present county of Onondaga shall be entered in the said book provided for that county; and the determinations on claims to lands situate in the present county of Cayuga, shall be entered in the said book to be provided for that county.

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## CHAP. 68.

AN ACT to ascertain the boundaries of lands reserved to the St. Regis Indians.

PASSED the 30th of March, 1799.

Boundaries  
of St. Regis  
lands to be  
ascertained.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That the surveyor general be and he is hereby directed in his proper person to lay out and survey in such manner, as the chiefs of the St. Regis Indians shall deem satisfactory, all the lands reserved to the said Indians by the treaty held at the city of New York and conformably thereto, the twenty third day of May in the year one thousand seven hundred and ninety six. And the treasurer is hereby required to pay to him out of any money in the treasury four hundred dollars to defray the expence thereof, which sum the surveyor general shall account for with the comptroller.

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## CHAP. 69.

AN ACT for the relief of William Cockburn, Alexander McNish and others.

PASSED the 30th of March, 1799.

Preamble.

**WHEREAS** it is represented that William Cockburn, Robert Boyd and James Barber by virtue of an act entitled "An act for raising troops to complete the line of this State in the service of the United States, and the two regiments to be raised on bounties of unappropriated lands, and for the further defence of the frontiers of this State passed the twenty third day of March one thousand, seven hundred and eighty two, became severally entitled to a bounty of two hundred acres of land, and have not received the benefits intended in and by the said act: Therefore,

Lands  
granted  
William  
Cockburn  
and others.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly* That it shall and may be lawful to and for the commissioners of the land office, and they are hereby required to grant unto the said William Cockburn, Robert Boyd and James Barber

severally their heirs and assigns two hundred acres of land out of any unappropriated lands belonging to the people of this State, situated in the eastern district thereof, not reserved for public uses, the same to be surveyed at the expence of the said grantees respectively.

*And whereas* it appears that Alexander McNish of Salem in the county of Washington, belonging to the regiment of militia commanded by Alexander Webster and the class (of which he was the head) in pursuance of the aforesaid act, procured an able bodied man to serve in the said levies, and that the said soldier actually entered into and continued in service from the first day of May one thousand, seven hundred and eighty two, until the fall of the same year, when he was taken prisoner by the enemy, but for want of the muster master's certificate, the said class have not obtained the benefits intended by the said act: Therefore,

*Be it further enacted*, That it shall and may be lawful for the commissioners of the land office, and they are hereby required to grant unto the said Alexander McNish together with the other persons, composing the said class, or their legal representatives, and to their respective heirs and assigns forever, two hundred acres of land out of any of the unappropriated lands belonging to the people of this State, situated in the eastern district thereof and not reserved for public uses, the same to be surveyed at the expence of the said class.

Id., to Alexander McNish.

*And be it further enacted* That the commissioners of the land office shall not issue the letters patent above directed until they have satisfactory evidence that the said persons are entitled to the class rights above mentioned —

Evidence to be furnished.

*And whereas* it is represented to this legislature that Henry Schoonmaker in order to avail himself of the benefits of "An act for the relief of Henry Schoonmaker" did transmit to the secretary of this State the certificate directed in and by the said act, and that the same was lost: Therefore,

*Be it further enacted*, That it shall and may be lawful for the commissioners of the land office to grant letters patent to the said Henry Schoonmaker without producing the said certificate in conformity to the directions of the said recited act, if the said commissioners upon examination shall have satisfactory evidence, that the said certificate was lost.

Lands granted to Henry Schoonmaker.

## CHAP. 70.

AN ACT to invest the mayor aldermen and commonalty of the city of New York with adequate powers in relation to certain objects of importance to the health of the said city.

PASSED the 30th of March, 1799.

WHEREAS the general welfare of the State is connected with the safety and health of the city of New York, which has lately been visited by a destructive and epidemic disease, the causes of which as far as human wisdom can discover them ought to be removed, and such measures adopted, as by divine favor may prevent the return of that fatal malady. *And whereas* it is represented to the legislature, that noxious exhalations from sunken and damp lots of ground, deep damp cellars, narrow and confined streets, foul and ill constructed sinks and privies, unfinished water lots, foul slips, putrid or unsound pro-

Preamble.



visions, and other evils of a similar nature; together with the practice of interring the dead in the heat of summer, in improper places, and without due precautions, are among the natural causes to which the existence or malignity of that disease may be, in a great measure attributed: Therefore to remedy the said evils.

Power of common council to make by-laws to preserve the public health.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That the mayor aldermen and commonalty of the said city, in common council convened, shall have full power and authority, to make and pass such bye-laws and ordinances as they shall from time to time deem necessary and proper, for the filling up, draining, and regulating of any grounds, yards or cellars within the said city, that may be sunken, damp or unwholesome, or which they may deem proper to fill up, drain, raise, lower or regulate; and also, for causing all such lots of ground in the said city adjoining to Hudsons river, or to the East river or sound, as they may from time to time think proper to be filled up with wholesome earth or other solid materials so far into the said river respectively, as they shall from time to time deem expedient for promoting the health of the said city; and for compelling the proprietors of such lots to make suitable bulkheads on, adjoining or opposite to such lots; and to raise and fill up the same with such materials and in such manner, and within such times as the said mayor aldermen and commonalty shall from time to time direct; and also for filling up, altering and amending of all public slips in the said city, at such times and in such manner as they may deem proper; and for filling up or altering and amending all sinks and privies within the said city; and for directing the mode of constructing them in future; and for causing subterraneous drains to be made from the same, where they may think it necessary; and for regulating, or if they find it necessary, preventing the interment of the dead within the said city; and for the better regulating of boarding houses and taverns in the said city, and the preventing the resort of crowds of disorderly persons to them; and for preventing the digging or turning up of made ground or grounds formerly covered with water during the summer months without their permission.

Penalties.

*And be it further enacted,* That such penalties may be contained in such bye-laws or ordinances as the said mayor aldermen and commonalty shall or may from time to time think proper, in order to enforce a prompt and punctual compliance with the same and for the punishment of all offenders in the premises not exceeding one hundred dollars for each offence.

Inspectors of lots.

*And be it further enacted,* That it shall and may be lawful for the said mayor, aldermen and commonalty in common council convened, to appoint one or more persons as inspectors of lots in the said city, who shall have power at all times between sunrise and sun set, to enter into any cellar, lot of ground, or building of any kind, and to examine the state thereof and to report the same to the said common council, whenever he or they shall judge that the health of the city may require any alterations or regulation therein.

Work to be done by city at expense of property owners.

*And be it further enacted,* That in all cases where the said bye-laws or ordinances shall require anything to be done by or with respect to the property of several persons or in relation to the filling up, altering or amending any of the public slips in the said city, the said mayor aldermen and commonalty in common council convened shall cause the expence of such works to be estimated and assessed in the same manner as is by law directed with respect to the paving altering or regulating the public streets in the said city, and when the same shall

relate to the filling up, altering or amending the public slips as aforesaid, one third of the expence attending the same, shall be borne by the said mayor aldermen and commonalty, and the residue by the persons in the vicinity who may be benefited thereby; and in other cases such expences shall be borne by the persons respectively upon whom the same may be assessed as aforesaid.

*And be it further enacted* That it shall and may be lawful for the said mayor aldermen and commonalty, in all cases where they may deem it necessary for the more speedy execution of the said bye-laws and ordinances, or any of them, to cause all such works as may be necessary for any of the purposes aforesaid, or any part thereof, to be executed and done at their own expence, on account of the persons respectively upon whom the same may be assessed and shall have full power, and are hereby authorised, to levy the same with lawful interest, and all reasonable costs and expences attending such proceedings, by distress and sale of the goods and chattels of the proprietors or occupants of the property upon or by reason of which any such sum shall have been assessed; or to recover the amount of every such expence by action of debt in any court of record from the persons respectively on whose account the same shall have been incurred, their respective heirs executors or administrators, in all which actions they shall also recover lawful interest upon the said amount with full costs of suit.

*And be it further enacted*, That the amount of every such expence which the said mayor aldermen and commonalty shall pay as aforesaid on account of others shall be a real incumbrance, upon the houses and lots in respect to which such assessments as aforesaid, shall have been made, and shall bear lawful interest until paid, and shall be preferred to all other incumbrances upon the same; and that the same may be recovered or the payment thereof with costs enforced in like manner as if the said houses and lots were mortgaged to the said mayor alderman and commonalty for the payment thereof.

Expense to be a lien on property.

*And be it further enacted*, That no new street shall hereafter be laid out in the said city except with the approbation and permission of the mayor, aldermen and commonalty in common council convened; and that if any such street shall be laid out without such permission, it shall be lawful for the said mayor aldermen and commonalty, by bye-law, or ordinance, to direct the same to be stopped up, and all buildings adjoining thereto to be removed by the proprietors or occupants, within such times, and under such penalties, as they shall think proper.

New streets.

*And be it further enacted*, That all streets not already named and approved of by the mayor aldermen and commonalty of the said city, shall be considered as new streets within the meaning of this act.

What deemed new streets.

*Provided* that no building erected on any such street not already named or approved of, shall be removed until it shall be determined in the mode prescribed in and by the second section of the act entitled "An act for regulating the buildings streets wharves and slips in the city of New York" passed the 16th day of April 1787, which damage or loss the owner of such building will sustain by means of such removal and until the money awarded to such owner shall be paid or tendered to him.

*And be it further enacted*, That whenever any putrid or unsound beef, pork, fish, hides or skins of any kind, shall be found within the said city, it shall be lawful for the said mayor aldermen and commonalty, or any one of the inspectors of those articles, or any of them, or any person or persons acting under them, or any of them, to cause the same to be destroyed, by starting it, or casting them into the stream of

Destruction of putrid substances.

either of the said rivers, below low water mark, and at a suitable distance from the shore, or in such other manner as the said mayor, aldermen and commonalty, shall or may from time to time direct.

Inspection  
of beef and  
pork.

*And be it further enacted* That no beef or pork shall be inspected within the said city, between the said months of April and November to the southward of the line aforesaid, except on the margin of one or the other of the said rivers, and to the northward of Reade-street on Hudsons river, and of Rutgers' slip, on the East river or sound.

Pleas in  
suits.

*And be it further enacted,* That if any person shall be sued for anything done in pursuance of this act, it shall be lawful for such person to plead the general issue, and to give this act and the special matter in evidence.

Suits for  
penalties.

*And be it further enacted* That in all cases where a penalty shall or may be contained in any bye-law or ordinance of the said mayor aldermen and commonalty and the same not being higher than twenty five dollars, a suit shall be brought for the recovery thereof, a warrant (if required) shall issue in the first instance, against the defendant, and as soon as judgment shall be obtained for the recovery of such penalty execution shall issue for the same with costs of suit, without any respite or delay.

How act  
construed.

*And be it further enacted,* That this act shall be considered as a public act, and liberally expounded to advance the ends thereof, and enable the said mayor aldermen and commonalty to promote the health of the said city.

How long  
in force.

*And be it further enacted* That this act shall continue and be in force for three years and no longer.

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## CHAP. 71.

AN ACT further to amend the laws relative to the militia of this State.

PASSED the 30th of March, 1799.

Militia to  
be in five  
divisions.

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That the militia of this State shall be arranged into five divisions agreeably to the directions of the commander in chief, and conformable to the act of congress entitled "An act more effectually to provide for the national defence."

Troops of  
horse and  
artillery  
companies  
deemed at-  
tached to  
regiments  
for certain  
purposes.

*And be it further enacted* That every troop of horse and every company of artillery attached to any one of the divisions of this State shall be considered as being attached to the regiment within the bounds of which the commandant of such troop of horse or company of artillery shall reside for the purpose of imposing, levying and collecting fines for delinquencies; and it shall be the duty of the captain or commanding officer of every such troop of horse or company of artillery to make a return of all delinquents in their respective companies in the same manner as the captains or commanding officers of infantry are directed by law to the president of the court martial in such regiment, ordered to investigate the excuses and impose the fines on delinquents in the same; and the authority and decision of every such court martial shall extend to such troop of horse and company of artillery as fully as it does to the infantry of such regiment.

*And be it further enacted* That all fines which shall be imposed by any court martial on delinquents shall be collected in the following manner; the president of every such court martial shall make a list of all the persons fined, designating the company to which they belong and the sums imposed as fines on each person, and draw his warrant under his hand and seal, directed to any marshall or constable of any city or county (as the case may be) thereby commanding such marshall or constable to levy such fine or fines, together with his costs of the goods and chattels of such delinquent; and if any such delinquent shall be under age, and live with his father or mother, master or mistress, thereby commanding him to levy the same with costs as aforesaid of the goods and chattels of such father or mother, master or mistress as the case may be; and every such marshall or constable to whom any such list and warrant as aforesaid shall be directed and delivered shall execute the same by levying and collecting the said fines as aforesaid, and shall make return thereof within forty days from the receipt of such warrant to the president who issued the same; and such marshall or constable shall be entitled to the same fees for collecting the said fines and subject to the same penalties for any neglect as are allowed and provided for on executions issued in pursuance of the act entitled "An act for the more speedy recovery of debts to the value of ten pounds."

Collection  
of fines.

*And be it further enacted* That if any non-commissioned officer shall neglect or refuse to summon any delinquent in the company to which he belongs, to appear before any court martial when thereunto required by a summons from the president thereof, or shall neglect to return any such summons in his own proper person before such court-martial without having sufficient excuse he shall forfeit the sum of five dollars for every such neglect or refusal, to be imposed levied and collected as fines for other delinquencies.

Neglect by  
non-com-  
missioned  
officer.

*And be it further enacted* That as often as it shall happen that any non-commissioned officer or private shall be absent when any non-commissioned officer shall call to warn him to appear at any rendezvous, a notice in writing signed by such non-commissioned officer and left with some person of suitable age and discretion, at the usual place of his abode shall be deemed a sufficient warning.

Service of  
notice  
when per-  
son absent.

*And be it further enacted* That every non-commissioned officer to whom any warrant or order from a superior officer shall be directed and delivered for warning any non-commissioned officer or private he shall when he has executed the same indorse on the backs thereof a return, setting forth the names of such as he hath warned in pursuance of it and shall make oath to the truth of such return before the captain or commanding officer of the company to which he belongs, who is hereby authorized and directed to administer such oath and certify the same on such warrant and deliver it together with his return of delinquents to the president of the court-martial, and such return so sworn to and certified, shall be sufficient evidence to prove such warning.

Return of  
warrants  
and orders.

*And be it further enacted* That where any person shall have been enrolled in the militia of this State and shall remove to and within the beat of some other company than that in which he was so enrolled he shall be liable to be warned for militia duty from the time he shall so come to reside within the same.

Removal  
of person  
enrolled in  
militia.

*And be it further enacted* That the age and ability of any person to bear arms shall be determined by the captain or commanding officer of the company, with a right of appeal to the commandant of the regiment.

Captain to  
determine  
certain  
questions.

Discharge  
of firearms  
on days of  
parade.

*And be it further enacted* That it shall not be lawful for any non-commissioned officer or private to discharge any fire arm within two miles of the place of parade, on any day that they shall be ordered out for improvement or inspection without an order or permission of a commissioned officer; and if any such non commissioned officer or private shall so discharge any fire arm without such order or permission he shall forfeit the sum of one dollar to be imposed, levied and collected as aforesaid.

When  
militia  
deemed  
under  
arms.

*And be it further enacted* That the militia of this State shall be considered to be under arms from the rising until the setting of the sun of the same day that they shall be ordered out by law for improvement or inspection.

No parades  
to obstruct  
highways.

*And be it further enacted* That no military corps shall be ordered to parade on any public road or highway so as to obstruct travellers from passing or repassing; but it shall be lawful for any such corps to occupy any such road or highway for a parade, allowing a passage for travellers as aforesaid, any law to the contrary notwithstanding.

Sale of  
liquors  
prohibited  
within  
bounds of  
parade.

*And be it further enacted* That no person shall be permitted to sell or expose for sale, on any parade the bounds of which shall be determined by the commanding officer present at any such parade, any spirituous liquors whatever; and if any person shall expose for sale any spirituous liquors contrary to this act, and be thereof convicted before any justice of the peace of any county or justices court in the city of New York he shall forfeit the sum of twenty five dollars the one moiety thereof to the person prosecuting for the same, and the other moiety to be paid and applied as fines for delinquencies in the regiment on whose parade such liquor was exposed for sale as aforesaid.

Meetings  
of commis-  
sioned offi-  
cers.

*And be it further enacted* That the commanding officer of every regiment, shall call a meeting of the commissioned officers of their respective regiments at such times and places as he shall appoint for improvement which shall be at least once and not exceeding three times in every year; and that every commissioned officer being duly notified and neglecting to attend any such meeting shall forfeit and pay ten dollars for every such neglect (unless such delinquent officer shall assign such reasons for non attendance as shall be satisfactory to said commandant) to be recovered with costs by and in the name of the adjutant of such regiment, in any court having cognizance of the same.

Exemp-  
tions from  
arrest.

*And be it further enacted* That no officer non commissioned officer or private belonging to the militia of this State shall while under arms be subject to be arrested on any civil process.

Numbering  
of divi-  
sions, etc.

*And be it further enacted* That the divisions, brigades and regiments of militia in this State shall be numbered in such order as the commander in chief shall direct.

Companies  
to have at  
least thirty  
men.

*And be it further enacted* That if any company of artillery, troop of horse, company of grenadiers or light infantry shall not have thirty men in uniform according to law within one year after such company or troop has been organized, such company or troop shall be dissolved.

Decisions  
of court-  
martial  
to be  
approved.

*And be it further enacted* That all decisions of courts martial for the trial of officers, shall be approved or disapproved of by the officer ordering such court martial with a right of appeal only by any person who may conceive himself aggrieved to the commander in chief; any thing in the act hereby amended to the contrary notwithstanding. *Provided always* that it shall be the duty of the officer directed by law to order any court martial for the trial of officers to order the same within thirty days after receiving a copy of the arrest, and charges on

which any arrest is made and within fifteen days after the decision of any court martial shall approve or disapprove of the same in orders.

*And be it further enacted* That the cavalry of this State shall be organized into as many regiments as there are divisions; that each regiment consisting of not more than eight troops shall be divided into two squadrons, and each regiment consisting of more than eight troops shall be divided into three squadrons as the commander in chief shall direct; and each squadron shall be commanded by one major, and to each regiment there shall be one lieutenant colonel commandant and the same staff as regiments of infantry; that such regiment of cavalry shall be formed into two brigades each of which shall be commanded by a brigadier general; that the officers of cavalry shall rise and receive promotion in their respective troops, squadrons regiments and brigades, and the whole shall be under the command of one major general; that the brigadier-generals of infantry shall have the command of the troops attached to their brigade to parade for annual inspection, but all other parades shall be ordered by the officers of cavalry; and that the cavalry of this State shall parade for improvement twice in every year by troops to be ordered by the captains or commanding officers of troops; once in every year by troops or squadrons to be ordered by the lieutenant colonel commandant, and if the commanding officer of the brigade shall think proper, once by regiments or brigades.

Divisions  
of cavalry.

*And be it further enacted* That the artillery of this State shall be organized into as many regiments as there are divisions; that each regiment shall be divided into two battalions, and each battalion shall be commanded by one major, and to each regiment there shall be one lieutenant colonel commandant, and the same staff as regiments of infantry. That such regiments of artillery shall be formed into one or more brigades as the commander in chief shall direct, each of which shall be commanded by a brigadier general. That the officers of artillery shall rise and receive promotion in their respective companies, battalions, regiments and brigades and the whole shall be under the command of one major-general; that the brigadier general of infantry shall have the command of the companies attached to their brigade to parade for annual inspection, but all other parades shall be ordered by the officers of artillery and the artillery shall parade for improvement and inspection as often and in the same manner as the infantry are directed by law to meet for such proposes. *Provided always* that nothing in this section contained shall apply to the regiment of artillery in the city of New York.

Division of  
artillery  
into brig-  
ades, regi-  
ments and  
battalions.

*And be it further enacted* That every trooper shall own and possess a horse able and fit for service, and if such trooper shall not procure and possess himself of such horse within the term of three months after his enlistment such trooper shall be returned to the beat to which he before belonged; and all horses belonging to any troop shall be enrolled by the commanding officer of such troop by their distinguishing marks, and the horses so enrolled and doing duty in any troop shall be exempted from all attachments, seizures, distresses, executions or sales for debt or for the payment of taxes; and it shall not be lawful for any officer to grant a certificate of enlistment to any trooper to excuse him from duty in any other corps, nor shall such troopers horse be exempted from attachment until such trooper shall have the equipments required by the laws of the United States.

Exemption  
of troop-  
er's horse.

*And be it further enacted* That no non-commissioned officer or private belonging to any corps of cavalry, artillery, grenadiers, or light infantry within this State shall be allowed to leave such corps and

Transfer  
from one  
corps to  
another.

enlist in any other, without the written consent of the officer commanding such corps, except in cases of removal from and out of the beat of such corps.

Disposi-  
tion of  
fines.

*And be it further enacted* That all fines collected under this act and the acts hereby amended and not otherwise appropriated shall be paid to the commandant of the regiment or battalion to be by him appropriated in such manner for the use of said regiment or battalion as he shall think proper. *Provided always* that such commandant shall pay to the brigade major of the brigade to which such regiment or battalion belongs his proportion of the sum of fifty dollars allowed him by law out of the fines so collected, which apportionment shall be determined according to the number of regiments, battalions, troops and companies in such brigade; *and provided also* that the said commandant shall pay to the captain or commanding officer of any troop of horse or company of artillery such proportion of money as shall remain in his hands of fines collected from such troops or companies to be by him appropriated in such manner as he shall think proper for the use of such troop or company; and it shall be the duty of all commandants of regiments and battalions and captains or commanding officers of troops of horse or companies of artillery to produce an account of all receipts and expenditures under this act to the brigadier or commanding officer of the brigade annually, on the first Tuesday in May in every year, any law to the contrary notwithstanding.

Penalty for  
failure to  
give lists of  
persons  
liable to  
enroll-  
ment.

*And be it further enacted* That every occupant or householder in the city and county of New York shall when thereunto required by the enrolling officer or officers of a beat, deliver verbally or in writing, the name and age of every male between eighteen and forty five years of age, that resides or boards in their house under the penalty of ten dollars for every such neglect or refusal.

Uniform.

*And be it further enacted* That the commander in chief shall direct the colour and fashion of the uniform of the cavalry and artillery in this State not already provided with uniform, and that no troop or regiment of horse or company or regiment of artillery shall hereafter parade otherwise uniformed than as shall be so directed by the commander in chief.

Cockade.

*And be it further enacted* That the cockade of the army of the United States shall be and the same is hereby established as the cockade of the militia of this State.

Part of acts  
repealed.

*And be it further enacted* That so much of the act entitled "An act to organize the militia of this State" passed the ninth day of March one thousand seven hundred and ninety three, and the act to amend the said act passed the eleventh day of April one thousand seven hundred and ninety six as respects the levying and collection of fines imposed by regimental courts martial be and the same is hereby repealed.

## CHAP. 72.

### AN ACT for the assessment and collection of taxes.

PASSED the 1st of April, 1799.

Valuation  
of prop-  
erty.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That the taxes hereafter to be levied in this State, shall be assessed, levied and paid upon the valuation of real and

personal estate, in the manner herein after mentioned; and that the valuation of houses and lands within this State, lately made under the authority of the United States, shall, as soon as the same shall be completed, be deemed to be the value of all such houses and lands, for the purposes declared in this act, until further provision shall be made therein by law; *provided*, that the aforesaid valuation shall continue for three years from and after the first day of April next, and no longer.

*And be it further enacted*, That the commissioners hereinafter named, shall procure and transmit to the town clerks within their respective counties, for the use of the assessors of the said towns, copies of the said valuation of houses and lands within the said towns respectively.

Copies of valuation to be transmitted.

*And be it further enacted* That all personal property, which is by this act made taxable, shall be set in the list at the prices hereinafter mentioned:— Every ox or bull of four years old and upwards, at fifteen dollars; each cow more than one, owned by any one person, of four years old or upwards, at ten dollars; all neat cattle of three years old, at six dollars each; all neat cattle of two years old, at four dollars each; each horse or mare of one year old at eight dollars; each horse or mare of two years old at fifteen dollars; each horse or mare of three years old, at twenty dollars; each horse (except stallions) and each mare more than four, and not exceeding eight years old, at thirty dollars; each gelding or mare more than eight, and not exceeding twelve years old, at twenty dollars; each gelding or mare more than twelve and not exceeding sixteen years old, at eight dollars; each stallion or stud horse of more than four years old at three hundred dollars; every mule of one year old, at eight dollars; every mule of two years old at sixteen dollars, and every mule three years old and upwards, at twenty five dollars; all swine more than eight, owned by any one person, of more than one year old shall be set at three dollars: *Provided* that all horse kind and other creatures taxable by law, shall be put in the list of the taxable property of the owner or owners thereof, in the towns where such owners dwell. That all coaches shall be set in the list at eight hundred dollars; each chariot and post chaise; at seven hundred dollars; each phaeton or coach on steel springs at three hundred dollars; every other four wheel pleasure carriage, and every two wheel top carriage at one hundred dollars, and every other two wheel pleasure carriage at fifty dollars; every brass or steel wheel clock at forty dollars; each gold watch at fifty dollars; and all other watches at twelve dollars each; every able bodied slave held for life from twelve to fifty years old; at one hundred dollars; all river sloops and vessels above thirty tons burden and not exceeding sixty tons, at five hundred dollars each; and all river sloops and vessels above sixty tons, at seven hundred and fifty dollars. And the said assessors shall also ascertain according to the best evidence they can obtain and set down in such list the value of the residue of the personal estate of every person residing in such division or assessment district, exclusive of their farming utensils, arms and accoutrements for serving in the militia, tools and implements of their respective trades and professions, ships and vessels and their cargo employed in trade and commerce out of this State, articles of the produce of any of the United States, and purchased for exportation or sale and in case any person not satisfied with such estimate shall make affidavit before such assessors or either of them, who are hereby authorized to administer such oath, that the value of such residue of his or her personal estate does not exceed a certain sum,

Personal property valuation of.



specifying the same, then and in every such case, the assessors shall value such residue at the sum specified in such affidavit and no more.

Lists of assessors and collectors to be furnished.

*And be it further enacted* That the clerks of the respective cities of New York, Albany, Hudson and Schenectady, and the town clerks of each town in this State shall yearly after the first day of May and before the first day of July in every year certify and transmit to the commissioners of taxes in the same county, the names of all the assessors and collectors in their respective cities and towns.

Lists of personal property to be furnished as assessors.

*And be it further enacted*, That the assessors in each town may district their towns by mutual agreement, into such number of divisions, to be called assessment districts, as they may deem convenient, not exceeding the number of assessors within such town; and the said assessors shall in every year after the first day of May, and before the first day of June proceed through every part of their respective districts, and require all persons owning, possessing or superintending any personal property by this law enumerated and made taxable, to give in lists thereof; and if any person shall not be prepared to exhibit a written list when required, and shall consent to disclose the particulars, then it shall be the duty of the assessor to make such list, which being distinctly read and assented to, shall be received as the list of such person. And in case any person shall be absent at the time an assessor shall call to receive the list of such person, it shall be the duty of such assessor to leave at the house or place of residence of such person, a written or printed note or memorandum, requiring him to present to such assessor the list required of him by this act, within ten days; and every person liable by this act to be taxed for any personal estate, shall be taxed for the same in the town or place where he or she shall reside at the time of making such assessment.

Penalty for neglect to furnish information.

*And be it further enacted*, That it shall be the duty of the assessors, and they are hereby authorised and required to make such enquiries of the several inhabitants in their respective cities, wards and towns, as may be necessary to enable them to execute the trust reposed in them by this act. And if any person shall refuse to give such account respecting any of the particulars aforesaid every such person shall forfeit and pay to the people of this State, the sum of twenty dollars, to be recovered by action of debt, bill, plaint or information with costs of suit in any court of record, and, the assessors in all such cases shall make such account as aforesaid, and from such evidence as they shall be able to obtain: And if any person shall give a false account respecting any of the particulars aforesaid, or shall in any other manner attempt to conceal from the assessors, any part of his or her estate hereby made taxable, then and in every such case, the assessors upon discovery thereof shall estimate the part so attempted to be concealed, at fourfold the value thereof. And the giving such false account, or attempting such concealment, shall be considered as a misdemeanor, and every such offender, besides such fourfold tax, shall and may be prosecuted for every such offence by indictment or information before the justices of the supreme court, or any justices assigned to hear and determine, or to deliver the gaol, or the justices of the peace in their general sessions for the county where the same offence shall be committed.

Assessors to make out lists.

*And be it further enacted*, That if any person on being notified as aforesaid, shall refuse or neglect to give such list as aforesaid within the time required by this act, the said assessors or some two of them, shall make, according to the best information which they can obtain, such list as is required by this act, which list so made shall be taken and reputed as a good and sufficient list for the purposes of this act.

and the person so failing or neglecting, unless in case of sickness or absence from home for the whole period from the leaving such notice to the expiration of the said ten days, shall moreover forfeit and pay the sum of twenty dollars to be recovered in manner aforesaid —

*And be it further enacted* That whenever any lands shall be increased in value, by the erection of dwelling houses or other buildings, not included in the said valuation, and whenever any dwelling house or other buildings shall be destroyed or damaged by fire or other accident, the assessor within whose assessment district the same may be, shall enquire into and ascertain the amount of such diminution or increase of value, and vary the assessment roll accordingly. And any person owning any real estate whereon any new dwelling house or other building shall have been erected, shall give notice thereof to the assessors within whose district the same may be, at the time herein before required as to personal estate, and every person failing or neglecting so to do shall be assessed four fold the value of such dwelling house or building.

Assessment of real property.

*And be it further enacted,* That the said assessors shall set down in their assessment roll, opposite to the name of each person in one column the value of the real estate, and in another column the value of the personal property owned or possessed by him or her, leaving room sufficient opposite thereto, to insert the sum to be paid as a tax thereon, and shall complete such assessment roll of real and personal estate, and deliver the same signed by them or the major part of them, to some or one of the commissioners herein after mentioned, on or before the first Tuesday of July in the same year, leaving a copy thereof with one of the assessors, and thereupon cause notices in writing to be fixed up at two or more public places in their city, ward or town, setting forth that they have completed such assessment, and that a copy thereof is left with one of the assessors, naming him and the place of his residence, where the same may be seen and examined, by any of the inhabitants during ten days; and that at the expiration of the said days they will meet at a place in the same notice to be specified to review their said assessment, on the application of any person conceiving himself aggrieved; and it shall be the duty of the assessors during the said ten days, to submit their proceedings and the lists by them taken or received, to the inspection of any person who shall apply for that purpose; and at the said time and place, the said assessors shall meet, and on application of any person conceiving himself aggrieved, shall review the said assessment, and may alter the same on sufficient cause being shown to the satisfaction of the said assessors, or a majority of them. *Provided* that all such applications for a review, shall be in writing, and shall state the reasons and grounds of such complaints, and that no alteration shall be made in the valuation of any real estate not advanced or diminished in value as aforesaid, nor in the valuation of any of the articles of personal estate herein before particularly enumerated; and the assessors shall transmit to the commissioners, all such applications whereon any alterations shall have been made, together with their reasons for such alterations.

Assessment rolls, how made out.

*And be it further enacted,* That if any assessor shall refuse, or without being prevented by sickness, neglect to perform the duties required of him by this act, every such assessor so refusing or neglecting, shall forfeit and pay to the people of this State, the sum of fifty dollars, to be recovered by action of debt, bill, plaint or information, with costs of suit.

Refusal of assessor to act.

Inability  
to act.

*And be it further enacted,* That if any assessor for the city of Hudson, or any assessor for any ward in either of the cities of New York, Albany or Schenectady, or any assessor for any town in this State, should be prevented from performing the duties required of him by this act, by sickness, or should refuse or neglect to perform the same, then and in every such case, the other assessors for the same place shall perform and execute the same; and it shall be their duty to certify to the said commissioners, with their assessment roll, the names of the assessors so prevented, neglecting or refusing, and distinguish which of them, if any, was prevented by sickness.

Commissioners of  
taxes to  
be ap-  
pointed.

*And be it further enacted,* That it shall and may be lawful for the person administering the government of this State for the time being, by and with the advice and consent of the council of appointment, to nominate and appoint three proper persons in each county in this State, to be denominated commissioners of taxes in such county, who shall hold their said office during the pleasure of the said council. And it shall be lawful for the person administering the government of this State for the time being in the recess of the council, to fill all vacancies in the said office by appointment under his hand and the privy seal of this State, and that the persons so appointed shall also hold their said offices during the pleasure of the council of appointment; and every person appointed to the said office shall before he acts therein, besides the oath of allegiance, and the oath required by the constitution of the United States, take an oath that he will faithfully execute and perform the duties required of him by this act, without favour or partiality.

Appeals  
from as-  
sessors.

*And be it further enacted,* That all persons, conceiving themselves aggrieved by any such assessment, shall have a right to appeal to the commissioners of taxes in the same county in which the place where such assessment is made shall be situated; *provided* such appeal shall be in writing, and shall state particularly the objections to the assessment, and shall be delivered to the commissioners on or before the first day of their first meeting, after such assessment roll shall be delivered to them.

Duties of  
commissioners;  
appeals;  
equaliza-  
tion; war-  
rants to  
collectors.

*And be it further enacted* That the said commissioners so appointed in each county shall yearly on the third Tuesday in July and October in every year, meet together at the place where the court of common pleas shall have been last held in the same county, and proceed to hear, examine and determine in a summary way, all appeals made to them respecting any assessment in any town or place in their county, and shall make such alterations therein as may be proper and necessary in consequence of their determination upon any such appeal; and the said commissioners shall also examine all the assessment rolls delivered to them, and correct any mistake or errors they may discover in any of them, and shall have power, on examination of any such assessment roll, to revise, adjust and vary the sums set down therein as the value of the real estates of the persons therein named by adding to or deducting from each of them such a rate per centum as shall appear to them to be just and equitable and necessary to equalize the tax upon the real estates within this State, and make the valuation of the real estates in their respective counties as near as may be equal to the valuation of the houses and lands therein made under the authority of the United States, and for that purpose, it shall be their duty to procure an account of the amount of such valuation in their respective counties as soon as the same shall be completed, and after the said commissioners shall have approved of the assessment roll of any town or ward

in their county, or made such corrections and alterations therein as may be necessary, they shall set down in the column left for that purpose opposite to the several sums set down as the value of the real and personal estates therein mentioned, the respective sums in dollars and cents rejecting the fractions of a cent in all cases where they occur, to be paid as a tax thereon; and shall then cause two fair copies thereof to be made, and subscribe their names to the same, and shall transmit one of them to the comptroller of this State, and shall cause the other copy to be delivered to the collector of such town or ward, with a warrant annexed to the same, under their hands and seals, directed to and requiring him to collect from the several persons named in the assessment roll, the several sums mentioned in the last column thereof, (or in the last column of each page thereof if it consists of more than one page) opposite to their respective names, and authorizing him in case any of them shall refuse or neglect to pay such sum or sums, to levy the same by distress and sale of his or her goods and chattels, together with the costs and charges of such distress and sale, and directing him to pay the money so collected to the treasurer of the county, on or before the first day of February then next; retaining in his hands out of the same for his services, five cents upon every dollar he shall collect or levy and pay to the county treasurer; and in case there shall be more than one collector in any such town or ward, then the said commissioners shall direct and cause such warrant and assessment roll to be delivered to such one of them as they shall judge most suitable and proper; and as soon as they shall have sent or delivered any assessment roll with such warrant as aforesaid to any collector, they shall transmit an account thereof to the treasurer of the county, containing the name of the collector, the amount of the money he is to collect, and the time when he is directed to pay the same to the county treasurer; and the county treasurer upon receiving such account, shall charge such collector with the amount of the money he is directed to collect: And the said commissioners shall proceed in the same manner with respect to the assessment rolls of every town, and ward in their county, until they shall have completed all such as shall have been delivered to them.

*And be it further enacted* That in case the assessor of any town or ward in any county, shall neglect to make and deliver to the commissioners of taxes in the same county, such assessment roll as aforesaid, then and in every such case the commissioners aforesaid in the same counties shall have power, and are hereby required immediately after the said third Tuesday in July by warrant under their hands and seals to appoint such and so many proper persons to be assessors in such town or ward as they may deem necessary and therein direct them to make such assessment roll of the real and personal estates in the same town or ward as is required by this act, and to return such assessment roll to the same commissioners at such time and place as they shall therein appoint not exceeding six weeks from the date of such warrant; and the several persons so appointed assessors as aforesaid, first taking an oath before any justice of the peace in the same county faithfully to execute the trust reposed in them by this act, shall be considered as the assessors of such town or ward in respect to the duties to be performed by this act, and shall be and are hereby authorized and required to proceed in making such assessment roll in the same manner as the other assessors of the same place ought to have done, and shall have the like power in all cases, and be subject to the like penalties for refusal or neglect as the other assessors have and are

Commissioners to appoint assessors in place of those failing to act.

liable to by this act, and such assessors so appointed, shall complete such assessments, and set up notices as herein before directed, eight days at least before the day appointed for returning the same assessment roll to the commissioners, and the said commissioners shall meet together at the time and place mentioned in such warrants, and proceed in respect to all assessments then returned to them, in the same manner as they are herein before directed to do with respect to any other assessment rolls: And if in such case the warrant to the collector should not be issued until after the month of November, then instead of the first day of February, they shall direct such collector to pay the money to be by him collected and levied to the county treasurer, within eight weeks after the date of such warrant; and in case any assessor by them appointed, shall refuse or neglect to make and return such assessment roll as aforesaid, then and in every such case, the said commissioners shall from time to time in the manner aforesaid appoint other assessors in their stead, and proceed thereupon in all respects as above directed; and such other assessors shall proceed in the same manner as those first appointed ought to have done, and shall have the like power in all cases, and be subject to the like penalties as those first appointed have and are subject to by this act. And the commissioners in each county shall have power to appoint some suitable person to be their clerk, who shall hold his office at the pleasure of the commissioners of the same county.

Lists of assessors to be furnished comptroller.

*And be it further enacted* That the said commissioners of taxes in each county, shall at every of their meetings certify to the comptroller of this State, the names, additions and places of abode of all the assessors in their respective counties who shall have refused or neglected, without having been prevented by sickness, to perform the duties required of them by this act; and the names, additions and places of abode of all persons who shall have neglected or refused to give such list, or to disclose the particulars as this act requires; and the comptroller shall thereupon direct the attorney general or the assistant attorney general of the district in which such assessors, and such persons respectively reside, to prosecute them respectively for the penalties thereby incurred.

Two commissioners may act.

*And be it further enacted*, That it may be lawful for the said commissioners of taxes in each county, or any two of them, to do, execute and perform all and every or any of the duties, powers and authorities by this act required of or committed to the said commissioners of taxes in such county, and that it shall be lawful for any one or more of the assessors of any town or ward, in case of the death, inability, refusal or neglect of the other assessors of the same town or ward, to make such assessment as aforesaid, and to do execute and perform all and every or any of the duties, powers or authorities required of or committed to the assessors of the same town or ward by this act.

Chamberlain of New York; city of Hudson.

*And be it further enacted*, That in respect to all matters and things to be done and performed by virtue of this act, the chamberlain or treasurer of the city of New York, shall be considered as the treasurer of the county of New York, and the city of Hudson shall be considered as a town in the county of Columbia.

Collection of taxes by collectors.

XIX. *And be it further enacted*, That every collector, upon receiving such assessment roll and warrant, shall proceed to collect the taxes therein mentioned, and shall pay the amount thereof, deducting five cents upon every dollar he shall have collected or levied, for his fees for collecting the same, to the county treasurer, on or before the first day of February in the same year, or within eight weeks after the date of the

same warrant; and in case any person shall refuse or neglect to pay the sum or sums at which his or her estate or estates shall be taxed as aforesaid, such collector shall be and hereby is authorized and required to levy the same by distress and sale of the goods and chattels of the person who ought to pay the same, or any goods or chattels in his or her possession; and when any such distress shall be made of any goods or chattels in the possession of the persons charged with such tax, no claim of any other person to the same by any right or title whatsoever shall be available. And in all cases of distress, if the goods and chattels distrained, shall be sold for more than the amount of the tax, with the charges of the distress and sale, the overplus shall be returned to the person in whose possession the same goods and chattels were, when the distress was made.

XX. *And be it further enacted*, That the person in possession of any real estate at the time any tax is to be collected, shall be liable to pay the tax imposed thereon, and in case any other person by agreement or otherwise ought to pay such tax, or any part or proportion thereof, the person who shall pay the same, shall and may recover the amount from the person who ought to have paid the same. All taxes upon any real estate, shall be a lien thereon, and shall be preferred in payment to all other charges; and all taxes upon any personal estate, shall, in case of death or bankruptcy of the person taxed, be preferred in payment to all other demands. Who liable to pay tax.

XXI. *And be it further enacted*, That every collector shall within one week after the expiration of the time mentioned in his warrant for paying the amount of the tax to the county treasurer, settle his account of the same tax with the county treasurer; and in case any of the taxes mentioned in the assessment roll annexed to his warrant, or any part of any of them shall remain unpaid, and he shall not have been able to levy the same, he shall deliver to the county treasurer, an account of the names of the several persons charged with the same tax, and the sums remaining due thereon from each of them respectively; and if such collector shall make oath before the county treasurer, which oath the county treasurer is hereby authorized to administer, that the sums mentioned in such account remain due and unpaid, and that he has not, upon diligent enquiry, been able to discover any goods or chattels belonging to, or in the possession of either of the persons charged with, or liable to pay the said respective sums, whereon he could levy the same, then and in every such case, the county treasurer shall credit the account of such collector, with the amount thereof, and shall within thirty days thereafter, transmit to the comptroller of this State, the said account and affidavit of such collector, which affidavit shall be written at the bottom or upon the back of the same account, and be signed by such collector. Settlement of accounts of collector with treasurer.

XXII. *And be it further enacted*, That if any collector shall refuse or neglect to pay to the county treasurer, the amount of the taxes, mentioned in any such assessment roll to be delivered to him as aforesaid, or to account for the same in the manner aforesaid, within the time limited as aforesaid, then and in every such case the county treasurer shall within twenty days thereafter, issue a warrant under his hand and seal, directed to the sheriff of the county, thereby commanding him to cause the same, or if any part thereof is paid or accounted for in manner aforesaid, then so much thereof as shall remain unpaid and not accounted for, to be made and levied of the goods and chattels, lands and tenements of such collector, and to return the money to him the said county treasurer, within forty days after the date thereof, to- Proceedings to compel collector to pay over moneys.

gether with the said warrant, and shall immediately deliver the same warrant to the sheriff of the county; and every sheriff to whom any such warrant shall be directed, shall immediately cause the same to be executed, and shall make return thereof to the county treasurer within the time therein specified, and pay to him the money levied by virtue thereof, deducting for his fees five cents upon every dollar of the sum levied, and no more; and if the whole sum is not levied, he shall endorse on the warrant the amount so levied exclusive of his fees, and that such collector has not any more lands or tenements, goods or chattels in his bailiwick, whereon he could cause the residue of the money therein mentioned to be made or levied; and in case he cannot find any goods or chattels, lands or tenements of such collector, whereof he can cause any part of the sum mentioned in such warrant to be made or levied, he shall make return thereof accordingly; and if no part of the money mentioned in such warrant, or only a part of it shall be levied, the county treasurer shall upon the return of the warrant to him, transmit a copy thereof with a copy of the sheriff's return thereon endorsed to the comptroller of this State.

Neglect by  
sheriff.

XXIII. *And be it further enacted*, That if any sheriff shall neglect to return any such warrant, or to pay the money levied thereon, within the times limited for the return thereof as aforesaid, or shall make any other return than such as is above mentioned, he shall be liable to pay to the people of the State of New York, to be recovered with costs of suit in an action for so much money received to their use, the whole sum directed to be levied by such warrant; and the county treasurer shall in every such case certify to the comptroller that he has issued such warrant, mentioning against whom and for what sum, and that the sheriff has neglected to return the same, or to pay the money levied thereon; and the comptroller shall thereupon direct the attorney-general or the assistant attorney general of the district, to bring a suit against such sheriff for the amount thereof, which upon recovery shall be paid to the treasurer of this State, for the use of this State; and if any county treasurer shall neglect to issue such warrant as aforesaid, against any delinquent collector in his county, or to transmit such accounts and certificates as aforesaid, such county treasurer shall be answerable for the whole amount of the deficiency of such collector.

Treasurer  
to account  
to State  
treasurer.

XXIV. *And be it further enacted* That every county treasurer shall pay into the treasury of this State, the money received by him on account of the said taxes, on or before the first day of March in every year; retaining in his hands one cent upon every dollar thereof for his services. And it shall be lawful for any county treasurer to pay the money received by him into the bank of New York, or into the bank of Albany, to the credit of the treasurer of this State, such county treasurer immediately transmitting the cashier's receipts for the same to the comptroller, who shall certify the same to the State treasurer, and charge him with the amount.

Statement  
of accounts  
by comp-  
troller;  
process  
against  
county  
treasurer.

XXV. *And be it further enacted*, That the comptroller shall yearly in the month of March in every year, from the accounts and vouchers in his office, state the account of the county treasurer of each county, in respect to the said taxes, charging him with the amount of the said taxes in his county, and crediting him with the payments made by him to the treasurer of this State, or into the bank of New York, or into the bank of Albany to the credit of the treasurer of this State, and with the amount of his fees and the collector's fees thereon, and with all such sums as shall appear by the accounts, copies of warrants

and returns transmitted to him as aforesaid, not to have been collected or received, and shall transmit a copy thereof to him. And if any balance shall appear by any such account to be due from any county treasurer to the State, and such county treasurer does not pay such balance to the treasurer of this State, or account for the same within thirty days thereafter, the comptroller shall direct the attorney-general or the assistant attorney-general for the district, to commence and prosecute a suit against such county treasurer for the said balance; and it shall be sufficient in the declaration in any such suit, to set forth that the defendant on the day such account was stated as aforesaid, and at a certain place was indebted to the people of the State of New York, in the sum therein stated, as the balance for so much money before that time received by him to their use, and that he in consideration thereof promised to pay the same, and to give the special matter in evidence. And if any sum shall be recovered in any such suit, the defendant shall be liable to pay the costs of such suit: *Provided always*, that if the defendant shall at any time before judgment obtained in any such suit, pay the said balance into the treasury of this State, or account for the same to the comptroller, and pay the cost of suit, it shall be lawful for the comptroller thereupon, to direct the attorney general or the assistant attorney general, to discharge such defendant from such suit.

XXVI. *And be it further enacted*, That the comptroller shall on or before the third Tuesday in July in every year hereafter, from the accounts and vouchers in his office, furnish the commissioners of taxes in each county with an account of the amount of the taxes of the preceding year not paid or accounted for by the collectors of any town or ward in their county, nor levied as aforesaid, of the lands or tenements, goods and chattels of such collector; and also a list of the names of such persons in each town and ward in the same county, as shall not have paid their taxes in the preceding year, with an account of the sums remaining due from each of them, and stating whether charged upon real or personal estate. And the commissioners of taxes in each county shall cause the amount of the taxes of the preceding year, so unpaid, and not accounted for by the collector of any town or ward in their county, nor levied as aforesaid, or added to the tax of some person named in the assessment roll, in the manner herein after mentioned, to be raised in the same town or ward with the next tax therein, by adding to the tax of each person in the next assessment roll of the same town or ward a due and just proportion thereof; and shall also add to the tax of each person named in the same assessment roll the amount of the tax in the preceding year on his or her personal estate remaining unpaid, if any, by the same person; and if any tax of the preceding year, charged upon any real estate shall remain unpaid, the same shall be added to the tax of the occupant of the same real estate, whether such occupant be the same person charged with it in the preceding year or not.

Unpaid  
taxes, reassessment  
of.

XXVII. *And be it further enacted*, That in any action, suit or information, for recovery of any penalty or forfeiture by virtue of this act, it shall be sufficient to declare, set forth or charge, that the defendant at a certain time and place, became indebted to the people of the State of New York, in the sum to be recovered, specifying the same, as a forfeiture incurred for refusing or neglecting to perform the duty required of him by virtue of an act entitled "An act for the assessment and collection of taxes" to be paid to the people of the State of New York, when he should be thereunto required, and to

Declaration in actions for forfeitures.



give the special matter in evidence; and the amount of all such penalties when recovered, shall be paid into the treasury of this State for the use of this State.

Tax to be a  
lien on  
lands.

*And be it further enacted,* That any tax to be laid in pursuance of this act upon any lands and real estate, shall be and remain a lien upon the same lands and real estate, until the same shall be paid, and the said lien shall extend to all and every part of the said land and real estate, notwithstanding the same may have been divided or alienated in the whole or in part; and such lien shall be considered as a mortgage, and in case any tax assessed on any house or land, whether such tax shall have been assessed for a State tax, or for the contingencies of any town or county, shall remain unpaid a year or more, then and in every such case, the comptroller, instead of sending an account of the taxes due thereon to the commissioners of taxes shall transmit such account to the attorney general or the assistant attorney general of the district, who shall thereupon proceed for the recovery of the taxes due on such real estate in the same manner, as if the payment thereof had been secured by a mortgage of the same real estate to the people of this State; and that the supervisors shall yearly at their annual meeting in May, cause to be transmitted to the attorney general or the assistant attorney general, an account of all arrears of taxes on any houses or lands, designating such lands and the owners thereof, as far as shall come to their knowledge; and that the attorney general or assistant attorney general shall thereupon proceed in like manner and pay over to the county treasurer, the money so to be recovered.

Compensation of  
commissioners,  
assessors,  
etc.

*And be it further enacted,* That the following compensation shall be allowed to the commissioners and their clerks, and the assessors aforesaid, for their services to be performed under this act: To each assessor, one dollar and twenty five cents for each and every day he shall be employed in taking such accounts, and making such lists as aforesaid, and in arranging the same, and making and completing such assessment roll as aforesaid, and to such one of them, or to such person employed by them who shall perform the service, for making the necessary copies of such assessment roll one dollar for every hundred taxables therein. And every such assessor shall make affidavit to such account, to be written at the bottom or upon the back thereof, that the said account is just and true, and that he was actually and diligently employed in the business therein mentioned, the number of days charged therein. and the accounts of the assessors so sworn to, shall be delivered with their assessment roll to the said commissioners; to each of the said commissioners two dollars for each and every day he shall be employed in the business aforesaid; and to the commissioners clerk, for making out the necessary copies of the several assessment rolls, seventy five cents for every hundred taxables therein, and for every appointment of assessors, or warrant to a collector, twenty five cents, and for every such certificate to the county treasurer or comptroller twenty cents, which account shall be certified by the commissioners. And every commissioner shall make affidavit to his account, to be written at the bottom or upon the back thereof, that the same account is just and true, and that he was actually and diligently employed in the business therein mentioned the number of days charged therein, and all the accounts of the commissioners and their clerks and assessors in each county, shall be formed by the commissioners of the same county, into one account, in the name of some one of the commissioners of the same county, who shall transmit the same together

with the particular accounts of each commissioner, clerk and assessor in the same county to the comptroller, who shall examine and audit such account, and issue his warrant to the treasurer to pay to the commissioner in whose name such account shall be made, out of any money arising from the same tax in the same county, the amount of the said account, or so much thereof as the comptroller shall find due thereon, and such commissioner, shall upon receiving the same, pay the sums due to the several other commissioners, their clerk and the assessors respectively, but no allowance shall be made to the assessors of any town, ward or place for any assessment, before a copy thereof approved by the commissioners, or as altered and corrected by them, shall be delivered to the comptroller.

*And be it further enacted,* That all taxes for defraying the public and necessary contingent charges of each respective county, and for the maintenance and support of the poor of each city and town in this State, shall hereafter be raised and levied according to and upon the assessments aforesaid, to be made and obtained by virtue of this act; and for that purpose the assessors for each ward in the city of New York, when they transmit their assessment rolls to the commissioners of taxes in the county of New York, shall also respectively deliver to the mayor, recorder and aldermen of the same city, who are by law the supervisors of the county of New York, a copy of the same assessment roll, or deposit the same in the office of the clerk of the said city; which copies shall be considered as the lists or assessments directed to be made by the act entitled "An act for the more effectual collection of taxes in the city and county of New York," and the assessors for the city of Hudson, and the assessors for each ward in the cities of Albany and Schenectady, and the assessors for each town in this State, when they transmit their assessment rolls to the commissioners of taxes in their respective counties, shall also respectively deliver a copy thereof to the supervisors of the same county, or their clerk, which copies shall be considered as the lists or assessments directed to be made by the act entitled "An act for defraying the public and necessary charge in the respective counties of this State," and the supervisors of the county of New York, and the supervisors of the several other counties in this State, respectively are directed and required to proceed thereon in respect to all taxes for defraying the public and necessary contingent charges therein, in the manner directed by the said acts respectively, and shall in addition to the powers vested in them by the said acts, have the like power as the commissioners of taxes in their respective counties have by this act respecting appeals and correcting errors or mistakes in the assessment rolls, and the revising, adjusting and varying the sums set down thereon as the real or personal estate of the persons therein named; and the said supervisors shall respectively be allowed to be paid by their respective counties, the like compensation as is by this act allowed to the commissioners of taxes.

*And be it further enacted,* That in case copies of the valuation of houses and lands within this State lately made under the authority of the United States, shall not be obtained in time to enable the assessors to compleat their assessment rolls by the time herein before limited for that purpose, then they shall compleat and deliver such assessment rolls in the manner aforesaid, on or before the first day of October next, and it shall hereafter be lawful for the supervisors of the respective counties in this State, to execute the duties enjoined on them by the said act entitled "An act for defraying the public and necessary charge in the respective counties in this State" so far as relates to the

Contingent  
taxes in  
the  
respective  
counties,  
cities  
and towns.

When  
copies of  
United  
States  
valuation  
not ob-  
tained.

issuing warrants to the collectors at their annual meeting in October in every year.

Exempt  
real estate.

*And be it further enacted*, That no house or land belonging to the United States, or to the people of this State, nor any church or place of public worship, or any personal property belonging to any ordained minister of the gospel, nor any college or incorporated academy, nor any school house, court house, gaol, alms house or property belonging to any incorporated library, shall be taxed by virtue of this act.

Part of  
acts  
repealed.

*And be it further enacted*, That so much of the said act entitled "An act for defraying the public and necessary charge in the several counties of this State," as directs or relates to the mode of assessment by the assessors, and to taxes for the use or service of the government of this State, and to the sale of timber, wood and grass by the collectors; and so much of the said act entitled "An act for the more effectual collection of taxes in the city and county of New York," as directs or relates to the mode of assessment by the assessors, and to taxes for the use or service of the government of this State, shall be and hereby is repealed. *Provided always*, that this act shall not take effect until after the eighth day of November, which will be in the year of our Lord one thousand eight hundred and two, as to laying, assessing or collecting any State tax, upon or in respect to any part of a certain tract of two hundred and thirty thousand and four hundred acres of land, granted by the commonwealth of Massachusetts, to Samuel Brown and others on the eighth day of November in the year of our Lord one thousand seven hundred and eighty seven; *and provided also*, that this act shall not take effect until the twenty first day of November which will be in the year of our Lord one thousand eight hundred and three, as to laying assessing or collecting any State tax, upon or in respect to any lands in the counties of Ontario and Steuben, which were confirmed to Nathaniel Gorham, and Oliver Phelps, by the commonwealth of Massachusetts, on the twenty first day of November in the year of our Lord one thousand seven hundred and eighty eight; *And provided further* that this act shall not take effect as to laying, assessing or collecting any State tax upon or in respect to any other lands in the county of Ontario, held under any grant from the commonwealth of Massachusetts, until after the eleventh day of May which will be in the year of our Lord one thousand eight hundred and six.

Offenses  
against  
this act  
deemed  
misde-  
meanors.

*And be it further enacted*, That all frauds and offences against this act, or in the execution thereof, other than such for which penalties as are above imposed, shall be considered as misdemeanors, and all such offenders shall and may be prosecuted for the same, by indictment or information, in the supreme court or any court of oyer and terminer and gaol delivery or sessions of the peace.

## CHAP. 73.

AN ACT to establish a turnpike corporation for improving the road from the springs in Lebanon to the city of Albany, and a like corporation, for improving the road from the village of Bath to the Massachusetts line, and for repealing the act therein mentioned.

PASSED the 1st of April, 1799.

Rensselaer  
and Col-  
umbia  
Turnpike

*Be it enacted by the People of the State of New York, represented in Senate and Assembly*, That John Tryon, Eleazur Grant, John W. Schermerhorn Jonathan Hoag, Elisha Gilbert, James McKown, Na-

than Hand, Moses King, John Darling, Jacob C. Schermerhorn, Nathaniel Brockeway, and all such persons as shall associate for the purpose of making a good and sufficient road from the line of the State of Massachusetts, where the road from Pittsfield and Hancock leads by or near the springs in Canaan, commonly called New Lebanon Springs in the nearest and most direct route, as far as circumstances will admit by the house of Elisha Gilbert, John W. Schermerhorn, Jonathan Hoag, and James McKown; to the ferry near the house of John I Van Rensselaer, shall be, and hereby are created, and made a corporation and body politic, in fact and in name, by the name of "The President, Directors, and Company of the Rensselaer and Columbia Turnpike Road;" and that by that name they shall be capable in law, to purchase, have, hold, enjoy, and retain to them and their respective successors, lands, tenements, hereditaments, goods chattels, and effects of every kind whatsoever; and the same or any part thereof to sell, grant, demise, alien, or dispose of, to sue and be sued, plead and be impleaded, and answer and be answered unto, defend and be defended in courts of record or any other place whatsoever; *Provided however* that the amount of the real estate which the said corporation are hereby authorised to purchase and hold shall not exceed two thousand dollars: *And provided further* that such estate so to be purchased and held shall be necessary to fulfil the end and intent of the corporation hereby created and made, and to no other use, intent or purpose whatsoever.

*And be it further enacted*, That John Tryon, Elisha Gilbert, John W. Schermerhorn, Jonathan Hoag, and James McKown, be and they are hereby appointed commissioners to do and perform the several duties herein after mentioned, that is to say, they shall on or before the first day of May next, procure five books, and in each of them enter as follows;

We whose names are hereunto subscribed, do for ourselves and our legal representatives promise to pay the President, Directors and Company of the Rensselaer and Columbia Turnpike road the sum of twenty dollars for every share of stock in the said company, set opposite to our respective names, in such manner and proportion, and at such time and place, as shall be determined by the said president, directors and company; one of which books shall be left with each of the said commissioners at their respective places of abode, who shall keep the same open for the purpose of receiving subscriptions; and every subscriber shall at the time of subscribing, pay unto either of the said commissioners the sum of three dollars for each share so subscribed; and the said commissioners shall as soon as six hundred shares have been subscribed, cause an advertisement to be inserted in one of the public newspapers printed in the city of Albany, giving at least fifteen days notice of the time and place the said subscribers shall meet for the purpose of choosing thirteen directors, who shall be stockholders, for the purpose of managing the concerns of the said company for one year. And the day of choosing the said directors shall for ever hereafter be the anniversary day for choosing directors. And any seven of the said directors shall be a quorum, and capable of transacting the business of said corporation and every act of a majority of the said directors so met shall be binding on the said corporation. And the said directors elected by a plurality of the votes of the stockholders present, shall immediately proceed to the choice of one of their number for president, and the said president and directors may meet from time to time at such time and place as they may find expedient

Road  
Company  
incor-  
porated.

Subscrip-  
tions to  
stock.

Election of  
directors.

and direct, and shall have power to make such by laws, rules, orders and regulations not inconsistent with the constitution or laws of this State or of the United States, as shall be necessary for the well ordering the affairs of the said corporation: *Provided* that no person shall have more than ten votes, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share by him held under the said number.

Capital  
stock; of-  
ficers.

*And be it further enacted*, That the said president and directors may continue to receive subscriptions to the stock of the said corporation, until there shall be one thousand, four hundred shares subscribed, and shall have power to appoint such agents, clerks, workmen, and others under them as shall be necessary for executing the business of the said corporation.

Entry on  
lands;  
damages.

*And be it further enacted*, That the said corporation by the president and directors, or by any agent, superintendant, artist or other person employed in their service, may enter into any land where they shall deem it proper to construct the said road, and to lay out and survey such routes or tracts as shall be most practicable for effecting a good and sufficient road between the places aforesaid; and the said president and directors may contract with the owners of the said land for the purchase of so much thereof, as shall be necessary for the purpose of making the said road, and for erecting and establishing gates, toll houses and all other works to the said road belonging and with their carriages, beasts, tools, and implements to enter in and upon any land contiguous to the said road, and to carry away any timber, stones, gravel, sand or other earth, being more conveniently situated for making or repairing said road, and to use the same for carrying on said work, the said president, and directors paying the owner or owners of the land so to be laid out as part of the road, the value of the land, or of the materials aforesaid as the case may be together with such reasonable sum for damages as may be agreed on; and in case of disagreement between the parties as to the said value or damages, the same shall be determined by an appraisement to be made on oath of three, or if they disagree of two indifferent freeholders to be mutually chosen; or if the owners of the said land or materials refuse or neglect to join in the choice, to be appointed by any justice of the peace of the county in which the lands or property shall be: *Provided* the said justice shall not be interested in the said dispute.

Manner of  
construct-  
ing road.

*And be it further enacted*, That the said president, directors and company, shall cause a road to be laid out, at least four rods wide, twenty four feet of which shall be bedded with wood, stone, gravel, or any other hard substance compacted together, a sufficient depth to secure a solid foundation to the same, and the said road shall be faced with gravel or other hard substance in such manner as to secure as near as the materials will admit an even surface rising towards the middle by a gradual arch, and they shall, during the continuance of this act maintain and keep the same in good order from New Lebanon Springs to the said ferry.

License by  
governor.

*And be it further enacted*, That as soon as the said president, directors and company shall have completed the said road ten miles from the Massachusetts line, near Lebanon Springs, then it shall be lawful for the president, directors and company, to give notice to the governor of this State; who shall thereupon forthwith nominate and appoint two or three judicious persons to view the same, and report to him in writing whether the said road is so far executed in a workmanlike manner, according to the true intent and meaning of this act. And

if the report is in the affirmative, then it shall be lawful for the governor and it is hereby made his duty by licence under his hand and the privy seal of this State, to permit the said president, directors and company to erect one gate and turnpike across said road, and in like manner when five miles is compleated east from the said ferry, and ascertained as aforesaid that then it shall be lawful, for the president, directors and company to erect one other gate and turnpike across the said road, and receive the toll or tolls at the rates herein after mentioned: And when the whole road shall be compleated according to the true intent and meaning of this act and after obtaining license from the governor as aforesaid, it shall be lawful for the president, directors and company to erect one other gate and turnpike across the said road at such place as they shall think proper. *Provided nevertheless* that there shall not be more than three gates in the whole distance of the road above mentioned.

*And be it further enacted*, That as soon as the whole or any part of the said road shall be compleated and permission to erect a gate or gates as aforesaid be granted the president and directors may appoint toll gatherers to collect and receive of and from all and every person or persons using the said road, the tolls and duties herein after mentioned and no more, that is to say, any number of miles not less than ten in length of said road the following sums of money, and so in proportion for any greater or less distance or for any greater or lesser number of sheep, hogs, or cattle; as follows; for every score of sheep, eight cents; for every score of hogs eight cents; for every score of cattle horses or mules twenty cents; and so in proportion for any greater or less number of sheep, hogs, cattle, horses or mules; for every horse and rider or led horse five cents; for every sulkey, chair or chaise with one horse twelve and an half cents; for every cart drawn by one horse six cents; for every chariot, coach, coachee, or phaeton twenty five cents; for every stage waggon or other four wheel carriage drawn by two horses mules or oxen, twelve and an half cents; and three cents for every additional horse, mule or ox; for every cart drawn by two oxen twelve and an half cents; and for every additional horse or ox three cents; for every sleigh or sled eight cents if drawn by two horses or oxen, and in like proportion if drawn by a greater or lesser number of horses or oxen; and it shall be lawful for any of the toll gatherers to stop any person, riding, leading or driving any horse, cattle, sheep, or hogs, sulkey, phaeton, chair, chaise, cart, waggon, sleigh or other carriage of burden or pleasure from passing through the gates or turnpikes until they shall have respectively paid the toll as above specified; *provided* that nothing in this act shall be construed so as to entitle the said corporation to demand or receive toll of or from any person passing, to or from public worship, or to or from his common business, or his farm or to or from any mill.

*And be it further enacted*, That the said corporation shall cause mile stones to be erected or placed one for each and every mile of the said road, on which they shall be permitted to place gates or turnpikes, and on each stone placed as aforesaid, shall be fairly and legibly marked the distance the said stone is from the city of Albany, and shall also erect guide posts at the intersection of all roads leading into and from the said turnpike, and to which posts, boards shall be attached, on which shall be inscribed the name of the town in which the post stands, and the name of the town or towns to which the road leads, in the direction to which the hand board points, and the said corporation

Rates of  
toll.

Mile-stones  
and guide-  
posts.

shall also cause to be affixed to each gate or turnpike, a printed list of the rates of toll which may be lawfully demanded.

Injury to  
stones,  
posts, or  
gates;  
evading  
toll.

*And be it further enacted,* That if any person or persons shall break or throw down, or deface any of the mile stones, guide posts, or boards so erected for information of the good people of this State, or shall cut, break down or destroy any of the gates or turnpikes which shall be erected in pursuance of this act, or shall forcibly pass the same without having paid the legal toll at such gate or turnpike, such person or persons shall forfeit and pay a fine not exceeding ten dollars, nor less than one dollar to be recovered by the treasurer of the corporation to their use in an action of trespass and if any person shall with his team, carriage or horse, turn out of said road to pass the said gates on ground adjacent thereto, and again enter on the said road with intent to avoid the toll due by virtue of this act, such person shall forfeit and pay three times as much as the legal toll would have been for any such person in passing thro' said gate to be recovered by the treasurer of the said corporation for the use thereof, in an action of debt.

Unreason-  
able delay  
by toll  
gatherer.

*And be it further enacted,* That if any toll gatherer, shall unreasonably delay or hinder any traveller or passenger at any of the gates, or shall demand or receive more toll than is by this act established, he shall for every such offence, forfeit and pay the sum of two dollars to be prosecuted for and recovered before any justice of the peace in the county where such offence shall be committed, for the sole use of the person so unreasonably hindered or attempted to be defrauded.

Transfer  
of shares.

*And be it further enacted,* That the shares in the said turnpike road shall be taken, deemed and considered to be personal estate and shall and may be transferable, and the transfers of the said shares shall be made and entered on the books of the said president directors and company.

Dividends.

*And be it further enacted,* That the president and directors of the said corporation shall keep a just and fair account of all monies received by the several collectors of toll on said road, and shall make and declare a dividend of the clear profits and income (all contingent costs and charges being first deducted) amongst all the stockholders of the said corporation and shall on the second Tuesday in January and July in every year publish the half yearly dividend to be made of the said clear profits among the stockholders, and of the times and places when and where the same will be paid and shall cause the same to be paid accordingly.

Statement  
to be filed.

*And be it further enacted,* That the said president and directors shall within six months after said road is compleated, lodge in the comptroller's office of this State, an account of the expence thereof, and the corporation shall annually exhibit to the comptroller a true account or dividend of all the income arising from said toll, with the annual disbursements on said road.

Dissolu-  
tion of cor-  
poration.

*And be it further enacted,* That the legislature may dissolve the said corporation when the income arising from said toll shall have fully compensated the said corporation for all monies they may have expended in purchasing, making, repairing and taking care of said road; together with an interest thereon of fourteen per centum per annum, and thereupon the right, interest, and property of said road shall be vested in the people of this State, and be and remain at their disposal: *Provided* that if the said corporation shall not commence their operations on the said road within two years after passing of this act, or shall not within five years afterwards compleat the said road accord-

ing to the true intent and meaning of this act, then and in either of these cases, this act shall cease, be void and of no effect.

*And be it further enacted,* That the act, entitled "An act to establish a turnpike corporation for improving the road from the springs in Lebanon to the city of Albany" passed the fifth day of April one thousand, seven hundred and ninety eight, shall be and the same is hereby repealed. Act recited repealed.

*And be it further enacted,* That Abraham Schuyler, Thomas Hun, Teunis T. Van Vechten, Barent Bleecker, John C. Cuyler, David Fonda, Barent G. Staats John Maley, Gerrit W. Van Schaick, John E. Van Alen Daniel Gray, and James Main, and all such persons as shall associate for the purpose of making a good and sufficient road from the village of Bath in the county of Rensselaer, in the nearest and most direct route to the house of James Main in Petersburg in said county and from thence to the line of the State of Massachusetts, where the road from Williamstown to the city of Albany crosses the said line, shall be and hereby are created a body corporate and politic in fact and in name, by the stile of the President Directors and Company of the Eastern Turnpike Road, and by that name, they shall be capable in law to purchase, have, hold and enjoy to them and their respective successors, lands tenements, hereditements, goods, chattels, and effects of every kind whatsoever, and the same or any part thereof to sell, grant, demise, alien, or dispose of, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any court of record *provided however* that the amount of the real estate which the said corporation are hereby authorized to purchase and hold, shall not exceed one thousand dollars; *and provided further* that such estate so to be purchased and held shall be necessary to fulfil the end and intent of the corporation hereby created, and for no other use, intent or purpose whatsoever. Eastern Turnpike Road Company incorporated

*And be it further enacted* That David Fonda, John C. Cuyler and Sanders Lansing be and they are hereby appointed commissioners to perform the several duties hereinafter mentioned that is to say, they shall on or before the first day of June next, procure books, and enter therein as follows — We whose names are hereunto subscribed, do for ourselves and our legal representatives promise to pay the President Directors and Company of the Eastern Turnpike Road, the sum of twenty five dollars for every share of stock in the said company set opposite to our respective names in such manner and proportion and at such time and place as shall be determined on by the president, directors and company, and the said commissioners shall as soon as four hundred shares shall have been subscribed, cause an advertisement to be inserted in the paper printed by the printer to the State, giving twenty days notice of the time and place the said subscribers shall meet for the purpose of choosing thirteen directors who shall be stockholders for the purpose of managing the concerns of the said company for one year, and the day of choosing the said directors shall for ever hereafter be the anniversary day for choosing directors, and the said directors elected by plurality of the votes of the stockholders present shall immediately proceed to the choice of one of their number for a president and the said president and directors shall and may meet from time to time, at such time and place as they may find expedient and direct, and shall have power to make such bye laws, rules, orders, and regulations not inconsistent with the constitution and laws of this State, and of the United States as shall be necessary for the well ordering the affairs of the said corporation. Subscriptions to stock  
Election of directors.



Powers and  
privileges.

*And be it further enacted,* That the corporation hereby created shall have the same rights, privileges, powers and immunities as by this act are given to the president, directors and company of the said Rensselaer and Columbia turnpike corporation, and be subject to the like conditions restrictions, and regulations as the said corporation are by the said act made subject to.

Toll gates  
and toll.

*And be it further enacted,* That the said road so to be made as aforesaid shall be made and completed in the same way and manner as is by this act prescribed to the said Rensselaer and Columbia turnpike corporation for making their said road, and the said eastern turnpike corporation shall be entitled to receive the like rate of tolls, as the said Rensselaer and Columbia turnpike corporation are by this act entitled to receive.

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## CHAP. 74.

### AN ACT for the relief of John Lansing Junior.

PASSED the 1st of April, 1799.

Appropriation to  
John Lansing, Jr.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That the treasurer shall, on the warrant of the comptroller, pay to John Lansing junior, out of any money in the treasury not otherwise appropriated, two hundred and fifty dollars with interest for the same at the rate of five per centum per annum from the twenty eighth day of August in the year of our Lord one thousand, seven hundred and eighty eight, in discharge of the warranty of the part of the people of this State, for two hundred acres, parcel of lot No. 38 in the division of a tract of land granted by letters patent to Frederick Young and others, described in a conveyance bearing date on the day and year aforesaid, executed by Henry Oot-houdt and Jeremiah Van Rensselaer, commissioners of forfeitures for the western district to the said John Lansing junior; *provided,* that the said John Lansing junior shall upon such payment, deliver to the comptroller the said conveyance, with a release by him executed to the people of this State, endorsed thereon, of all his right, title and interest acquired by virtue thereof.

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## CHAP. 75.

### AN ACT directing the mode of granting letters of administration in certain cases where persons shall die intestate in the city of New York.

PASSED the 1st of April, 1799.

Public administration in New York city.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That whenever any person shall die intestate within the city and county of New York, and neither the widow or next of kin residing within this State, shall apply within one week thereafter to the surrogate of the said city and county, or judge of the court of probates, as the case may require, for administration of the goods, chattles and credits of the deceased, such administration shall be granted to the chamberlain or treasurer of the said city for the time being, and his successors in office, who shall take the oath by law

appointed to be taken by such administrators, and shall give bond for the due administration of the said goods chattels and credits in the usual form, but without sureties, which shall not be required.

*And be it further enacted* That the mayor aldermen and commonalty of the city of New York shall be in all cases responsible for the due administration of such goods chattels and credits, where administration shall have been granted as aforesaid; *and further* that such administration shall be subject to be revoked upon the application of the widow, child, father, brother or sister of the deceased, if such application shall be made within three calendar months after such administration shall have been granted, the ballance due to the said administrator, if any, being first paid.

City responsible.

*And be it further enacted* That the chamberlain or treasurer of the said city for the time being, shall once in every year, at such time as the said mayor, aldermen and commonalty may for that purpose appoint, exhibit a statement of his receipts and expenditures by virtue of this act to the said mayor aldermen and commonalty in common council assembled, which account shall be published in at least two of the public news papers printed in the said city for the information of all whom it may concern, and it shall be lawful for the said chamberlain or treasurer in the accounts of the administrations, to charge and retain a commission of five per cent upon his receipts over and above all his reasonable expences in and about the said administrations respectively.

Accounts of public administrator to be published.

*And be it further enacted,* That if any balance of any such intestates estate, shall remain in the hands of such chamberlain or treasurer above eighteen months after the commission of administration as aforesaid, the amount thereof shall be published in at least two of the news papers printed in the said city for eight weeks successively, and all persons having any claims upon such estate shall be notified to exhibit the same with the evidence in support of it within six months thereafter, and after the expiration of the said six months, the said chamberlain or treasurer shall pay such ballance as may remain unclaimed to the said mayor aldermen and commonalty, who shall be answerable for the same but without interest, to such persons as shall thereafter appear to be entitled to the same, if any shall appear; and in the meantime all such sums so paid to the said mayor aldermen and commonalty, shall be by them applied towards the support of the poor in the said city.

Disposition of balances.

*And be it further enacted* That upon the death of any person intestate not leaving a widow or next of kin within the said city, it shall and may be lawful for the special justices for preserving the peace in the said city or either of them to take such measures as they shall think proper for guarding and securing the property and effects of such intestate from waste or embezzlement until such administration shall be granted as aforesaid, the expences whereof shall be paid by the said administrator in preference to any debts whatsoever, and immediately after the funeral charges of the intestate are discharged.

Security of property before administration granted.

*And be it further enacted* That this act shall be considered as a public act and that any person or persons who may be sued for any thing done by virtue thereof may plead the general issue, and give this act, and the special matter in evidence.

How act construed.

## CHAP. 76.

AN ACT relative to the bridge across the Normans-Kill, near the city of Albany.

PASSED the 1st of April, 1799.

Tax on Bethlehem for erecting a bridge.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That it shall and may be lawful for the supervisors of the county of Albany and they are hereby directed, to cause a sum, not exceeding four hundred dollars, to be raised during the present year, by a tax on the freeholders and inhabitants of the town of Bethlehem in the said county, in the same manner as the contingent charges of the several towns within this State are raised; and further that the said sum of money when raised as aforesaid, shall be paid by the collector of the said town of Bethlehem to the superintendants of highways in and for the said county of Albany, or their order, to be laid out in erecting a bridge across the Normans Kill in the said town on the public road which leads from the city of Albany to the town of Coeymans.

Manner of accounting for money.

*And be it further enacted* That the said superintendants shall account for the expenditure of the said money in like manner as they are directed to account for other monies which came into their hands by the twenty seventh section of the act entitled "An act to regulate highways" passed the 21st day of March 1797.

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## CHAP. 77.

AN ACT making provision to keep in repair the bridge over Schoharie creek at Fort Hunter in the county of Montgomery.

PASSED the 1st of April, 1799.

Preamble.

WHEREAS it is requisite that adequate provision should be made for keeping the bridge over the Schoharie creek at Fort Hunter in good repair, and for the payment of six hundred and fifty dollars, being a balance due the trustees appointed for the erecting said bridge; Therefore,

Rates of toll at Schoharie creek bridge at Fort Hunter.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That from and after the first day of June next the following toll shall be collected from every person crossing said bridge in the months of March, April, May, June, July, August, September, October & November in every year during the term of seven years from the said first day of June next viz for every carriage crossing said bridge and drawn by one horse, four cents, for every carriage drawn by two horses, mules or other working cattle, the sum of six cents; for every carriage drawn by more than two horses, mules or other working cattle at and after the rate of two cents for each additional creature; for each man and horse or mule the sum of three cents, for every single horse, colt, mule, ox, or cow, the sum of one cent; and for sheep, calves and hogs at the rate of seven cents per score.

*And be it further enacted* That it shall and may be lawful for the superintendants of highways in and for the county of Montgomery for the time being, or their successors in office, or a majority of them to cause the said toll to be collected & the neat proceeds thereof, after deducting the necessary charges of collecting and of erecting a toll house and gates for the purpose, to be applied as follows, that is to say; to the making such repairs to the said bridge from time to time as they in their discretion shall think necessary, and such surplus of the proceeds of the said toll after deducting the expence and charges of collecting the same and repairing the said bridge, erecting the said toll house and gates, shall from time to time be applied by said superintendants to the discharging & paying of the balance of six hundred and fifty dollars, due to the trustees of said bridge, as mentioned in the preamble of this act; and after the payment of the said sum of six hundred and fifty dollars to the said trustees as aforesaid, if any surplussage arising from the said toll after deducting and paying as aforesaid should remain it shall and may be lawful for the said superintendants to apply the same to the repairing of any roads in the said county of Montgomery leading to and from the said bridge.

How tolls applied.

*And be it further enacted* That it shall and may be lawful for the said superintendants or a majority of them from time to time to appoint a collector of the said toll upon such terms and conditions as they may think proper and to demand and take from such collector such security as they shall deem necessary and proper and any or every such collector to displace and remove at their pleasure.

Collector of tolls.

*And be it further enacted* That it shall and may be lawful for any person or persons living within one mile in any direction from the bridge aforesaid to commute with the said superintendants or with any one of them for such sum to be annually paid to the collectors as the said superintendants or any one of them shall think proper, which commutation shall be deemed in full satisfaction by collectors; *provided* every person so commuting shall produce to the collector a certificate of such agreement or commutation signed by one of the superintendants.

Commutation of tolls.

*And be it further enacted* That the said superintendants shall annually render an account for any monies which may be by them received by virtue of this act, to the supervisors of the said county of Montgomery.

Accounts to be rendered.

## CHAP. 78.

AN ACT to amend the act entitled An act to lay a duty on strong liquors, and for the regulating inns and taverns.

PASSED the 1st of April, 1799.

WHEREAS great and manifest evils and inconveniences are experienced by the great number of inns and taverns and other places being improperly licensed to sell or retail strong or spirituous liquors: For prevention whereof

Preamble.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That the several supervisors and justices of the peace in the respective cities and counties of this State (except in the city and county of New York, and in the cities of Albany, Hudson, and Schenectady) shall, and they are hereby severally directed and re-

Oath to be taken by officers granting licenses.

quired annually, and immediately before they grant any license to any person, to keep an inn or tavern or sell or retail strong or spirituous liquors, to take and subscribe the following oath before one of the justices of the peace of the county in which they reside, "I one of the commissioners of excise for the city of or town of in the county of do solemnly swear in the presence of Almighty God, that I will not on any account or pretence whatsoever, grant any license to any person within the said town of for the purpose of keeping an inn or tavern but only in such case as appears to me to be absolutely necessary for the benefit of travellers; and that I will in all things while acting as a commissioner of excise do my duty according to the best of my judgment and ability, without fear, favour or partiality, agreeable to law."

Oath to be filed; penalty for acting before oath taken.

*And be it further enacted* That the mayor, recorder or aldermen, or justice of the peace, before whom such oath is so taken and subscribed, shall, and he is hereby directed to certify the day and year in which such oath was taken; and that the same was so taken and subscribed before him on the back of the paper on which the same oath is so subscribed; and the person taking and subscribing the same shall, within ten days thereafter send or deliver the same to the clerk's office of the town or place for which he so acts as a commissioner of excise; and the clerk of such town or place shall file the same among the papers in his said office; and if any person who is hereby directed to take and subscribe such oath, shall presume to act as a commissioner of excise without having taken and subscribed the same; or if any such person shall neglect to return the same oath so subscribed and certified as aforesaid to the town clerk, to be filed as aforesaid within the time by this act limited, such person shall, for every such neglect or refusal forfeit the sum of ten dollars, to be sued for and recovered with full costs of suit by any person who will prosecute for the same, before any justice of the peace of the county where such neglect or refusal shall happen, the one moiety of which sum when recovered shall be paid by the person so suing and receiving the same, to the overseers of the poor of the town or place in which such neglect shall happen, for the use of the said town; and the other moiety shall be for the use of the person so suing for the same.

Restrictions on granting of licenses.

*And be it further enacted*, That no person shall have a license or permit to sell any strong or spirituous liquors to be drank in any store or house where merchants goods are sold, excepting the person to whom such permit shall be so granted, shall also take at the same time a license to keep an inn or tavern, and shall actually keep the necessary spare bedding, stabling, hay and provender for horses, and in all things conform himself or herself to the rules prescribed in and by the act hereby amended relative to the keepers of inns and taverns. *And further*, that no strong liquors shall be sold by such person on any pretence to be drank in the same room where such merchants goods are sold, neither shall it be lawful for the commissioners of excise to grant any such license to any such person, unless it appears to be necessary that an inn or tavern ought to be kept at such place for the actual benefit and accomodation of travellers as in other cases, nor shall it be lawful for such commissioners to grant to such persons any exemption from keeping spare bedding and stabling and all other accomodations as is prescribed and made necessary and requisite for persons to do who keep a public inn or tavern, agreeable to the thirteenth section of the act hereby amended.

*And be it further enacted,* That it shall not be lawful for the commissioners of excise to grant any license to any person to keep an inn or tavern, unless there are at least three of their board actually present, of which three the supervisor of the town or place shall always be one, nor until they or a majority of them, then so present have satisfactory evidence that the person who applies for such license is of good moral character, and of sufficient abilities to keep an inn or tavern, and that he has accommodations to entertain travellers, and that an inn or tavern is absolutely necessary at the place where such person resides, or proposes to keep such tavern for the actual accommodation of travellers as aforesaid all of which they or a majority of them, shall and they are hereby directed to enter down at large, in writing by way of a resolve of the said board, and severally subscribe the same, and within twenty days thereafter shall return such resolve to the office of the town clerk of the town or place for which they are commissioners, who is hereby directed to file the same and deposit it among the other papers of such town; and that all licenses obtained except the aforesaid board of commissioners are so actually present at the granting of the same, shall be considered as absolutely void and of none effect.

Three to be present: evidence to be furnished.

*And be it further enacted,* That all licenses and permits for retailing strong or spirituous liquors granted after the first day of May next shall respectively continue in force from the time of granting the same, until the first Tuesday of May next ensuing the date thereof and no longer any thing in the act hereby amended to the contrary notwithstanding: *Provided always* that all licenses already granted or to be granted prior to the said first Tuesday of May shall be construed to extend until the first Tuesday in May, one thousand, eight hundred any law to the contrary notwithstanding.

License to expire May first.

*And be it further enacted,* That the fifteenth section of the act for the relief of debtors with respect to the imprisonment of their persons passed the fifteenth day of February, one thousand, seven hundred, and eighty nine, shall not extend to penalties incurred under this act, or the act hereby amended, any law to the contrary notwithstanding.

Act recited not to extend to penalties under this act.

## CHAP. 79.

AN ACT to establish a turnpike corporation for improving the road from the village of Lansingburgh through Cambridge and Salem to the house now occupied by Hezekiah Leaving in the town of Granville, and also from the house of John Faulkner junior in Salem to the line of Rupert in the State of Vermont near the house of William Brown.

PASSED the 1st of April, 1799.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That John Lovett, Cornelius Lansing, James Brookins, John Carpenter, William Hay, Edward Wells junr., Stephen Clapp, John Williams, William Harkness, David Thomas, Edward Savage, David Hopkins, David Long, John C. Bishop, Timothy Leonard, Silvester Rowley, Jacob Holmes, William Porter, Martin Van Buskirk, and all such persons as shall associate for the purpose of making a good and sufficient road from the village of Lansingburgh in

Northern Turnpike Road Company incorporated.

the county of Rensselaer through Cambridge and Salem to the house now occupied by Hezekiah Leaving in the town of Granville, and from the dwelling house of John Faulkner junior in the town of Salem to the line of Rupert in the State of Vermont shall be and are hereby created and made a corporation and body politic in fact and in name by the name of the President, Directors and First Company of the Northern Turnpike Road, and the said corporation shall by that name be capable in law to purchase, have, hold, enjoy and retain to them and their successors lands, tenements, hereditaments, goods, chattels and effects of every kind whatsoever and the same or any part thereof to sell, grant, remise, alien or dispose of, to sue and be sued, to plead and be impleaded, to answer and be answered unto, defend and be defended in all courts of record or any other place whatsoever; *provided* that the lands so to be purchased as aforesaid shall be such only as may be necessary to carry into effect the object and shall not exceed the sum of two thousand dollars.

Subscription to stock.

*And be it further enacted* That John Lovett, John Carpenter, Martin Van Buskirk, Edmond Wells, junr, John Williams, David Long and Timothy Leonard be and they are hereby appointed commissioners to do and perform the several duties herein after mentioned that is to say they shall on or before the first Tuesday of June next procure seven books and in each of them enter as follows "We whose names are hereunto subscribed do for ourselves and our legal representatives promise to pay to the President Directors and First Company of the Northern Turnpike Road the sum of forty dollars for every share of stock in the said company set opposite to our respective names in such manner and proportion and at such time and place as shall be determined by the said president, directors and company," and the said books shall be deposited with such persons and opened at such times and places as the said commissioners may direct; and every subscriber shall at the time of subscribing pay unto either of the said commissioners five dollars for each share so subscribed; and the said commissioners shall as soon as five hundred shares shall have been subscribed cause an advertisement to be inserted in the public news papers printed in the village of Lansingburgh and town of Salem giving at least twenty days notice of the time and place the said subscribers shall meet for the purpose of choosing thirteen directors (who shall be stockholders) for the purpose of managing the concerns of the said company for one year, and the Tuesday preceding the day on which the directors shall be so chosen shall for ever hereafter be the anniversary day for choosing directors, and the said directors elected by a plurality of votes of the stockholders present shall immediately proceed to the choice of one of their number for president, and the said president and directors may meet from time to time and shall have power to make such bye laws, rules, orders and regulations as may be proper and necessary for the well ordering the affairs of the said corporation; *provided* that no bye law or regulations shall give or allow more than ten votes to any one stockholder, and that each person shall be entitled to one vote for every share by him held under that number.

Election of directors.

Quorum.

*And be it further enacted* That not less than seven directors shall constitute a board for the transaction of business, of whom the president shall always be one, except in cases of necessary absence in which case his place may be supplied during such absence by another director to be chosen by a majority of the directors present.

*And be it further enacted* That the said president and directors may continue to receive subscriptions to the stock of the said corporation until one thousand shares shall have been subscribed. Capital stock.

*And be it further enacted* That if it shall appear to the said president and directors that if by deviating from the now public road the distance between the places designated for the commencement and ending of the said road can be materially shortened, it shall be lawful for the president and directors to make such alterations as may be found necessary and to lay the road herein contemplated to be made in and through any inclosed improved or unimproved lands, and with their carriages beasts, tools and implements to enter in and upon any lands contiguous to the said road, and to carry away any timber, stones, gravel, sand or other earth being more conveniently situated for making or repairing said road, and to use the same for carrying on the said work, the said president and directors paying the owner or owners of the land so to be laid out as part of the road the value of the land or of the materials aforesaid as the case may be, together with such reasonable sum for damages as may be agreed on and in case of disagreement between the parties as to the said value or damages the same shall be determined by appraisement to be made on oath of three, or if they disagree, of two indifferent freeholders to be mutually chosen or (if the owners of the said land or materials refuse or neglect to join in the choice) to be appointed by any justice of the peace of the county in which the lands or property in dispute shall lie. Change of route from public road; damages.

*And be it further enacted* That the said president, directors and company shall cause a road to be laid out, at least four rods wide, twenty feet of which shall be bedded with wood, stone, gravel or any other hard substance well compacted together, a sufficient depth to secure a solid foundation to the same, and the said road shall be faced with gravel or stone pounded or other small hard substance in such manner as to secure a firm and as near as the materials will admit an even surface rising towards the middle by a gradual arch, and they shall during the continuance of this act maintain and keep the same in good and perfect order, the whole length of the said road. How road constructed.

*And be it further enacted* That as soon as the said president, directors and company shall erect a bridge across Hoosick river then and in such case it shall be lawful for the said company to erect a gate thereon and demand and receive the same toll as they are authorized to demand and receive from persons passing through the gates on the said turnpike road for ten miles of the same; and as soon as the said president, directors and company shall erect a bridge across the creek commonly called Battenkill it shall be lawful for the said company to erect a gate thereon and to demand and receive one half of the toll which they are authorized to receive from persons passing through any gates for ten miles of the same. Bridge over Hoosick river.

*And be it further enacted* That if the said turnpike road shall pass the Hoosick river at the bridge called Buskirks bridge in the town of Cambridge in the county of Washington the said company shall be vested with the property of the said bridge called Buskirks bridge in the same manner as if they had erected the same any law to the contrary notwithstanding. But shall receive no toll for passing the same. Buskirks' bridge.

*And be it further enacted* That as soon as any part of said road, not less than ten miles in any place or part thereof is made passable and convenient as aforesaid, notice thereof may be given to the person administering the government of this State who shall thereupon forthwith nominate two or more persons to view the same whose duty it License by governor.



shall be to report to him in writing whether that part of the said road is made and finished in a good and proper manner according to the true intent and meaning of this act, and if their report be in the affirmative then it shall be lawful for the person administering the government of this State and he is hereby required by licence under his hand and the privy seal of the state to permit the said president, directors and company to erect and fix so many gates and turnpikes upon and across said road as will be necessary and sufficient to collect the duties and tolls herein after granted to the said corporation from all persons travelling on the same.

Rates of  
toll.

*And be it further enacted* That as soon as the whole or any part of the said road shall be completed and permission to erect a gate or gates as aforesaid be granted the president and directors may appoint toll gatherers to collect and receive of and from all and every person or persons using the said road the tolls and duties herein after mentioned and no more, that is to say, any number of miles not less than ten in length of said road the following sums of money and so in proportion for any greater or lesser distance or for any greater or lesser number of sheep, hogs or cattle, to wit, for every score of sheep five cents; for every score of hogs five cents; for every score of cattle twelve cents; for every horse and rider or led horse four cents; for every sulkey, chair or chaise with one horse twelve cents; for every chariot, coach, coachee or pheaton twenty five cents; for every stage-waggon or other four wheeled carriage drawn by two horses or oxen twelve cents, and two cents for every additional ox or horse; for every cart, sleigh or sled drawn by two oxen or horses six cents, and for every additional horse or ox two cents; and it shall be lawful for any of the toll gatherers to stop any person riding, leading or driving any horses, cattle, sheep or hogs, sulkey, pheaton chair chaise, cart, waggon, sleigh or other carriage of burthen or pleasure from passing through the gates or turnpikes until they shall have respectively paid the toll as above specified: *Provided* That nothing in this act shall be construed so as to entitle the said corporation to demand or receive toll of or from any person passing to or from public worship or to or from his common business on his farm or to or from any mill.

Mile-stones  
and guide-  
posts.

*And be it further enacted* That the said corporation shall cause mile stones to be erected and placed one for each and every mile of the said road, on which they shall be permitted to place gates or turnpikes; and on each stone placed as aforesaid shall be fairly and legibly marked the distance the said stone is from Lansingburgh, and shall also erect guide posts at the intersection of each road leading from the said turnpike road and to which post boards shall be attached on which shall be inscribed the name of the town in which the post stands and the name of the town or towns to which the road leads in the direction to which the board points; and the said corporation shall also cause to be affixed to each gate or turnpike a printed list of the rates of toll which may be lawfully demanded.

Injury to  
stones,  
posts and  
gates.

*And be it further enacted* That if any person or persons shall break or throw down or deface any of the mile stones, guide posts or boards so erected for information of travellers, or shall cut break down or destroy any of the gates or turnpikes which shall be erected in pursuance of this act or shall forcibly pass the same without having paid the legal toll at such gate or turnpike such person or persons shall forfeit and pay a fine not exceeding ten dollars nor less than one dollar to be recovered by the treasurer of the corporation to their use in an action of trespass; and if any person shall with his team, carriage or horses

turn out of said road to pass the said gates on ground adjacent thereto and again enter on said road with intent to avoid the toll due by virtue of this act such person shall forfeit and pay three times as much as the legal toll for any such person in passing through such gate or turnpike as aforesaid, to be recovered by the treasurer of the said corporation for the use thereof in an action of debt.

*And be it further enacted* That if any toll gatherer shall unreasonably delay or hinder any traveller or passenger at any of the gates or shall demand or receive more toll than is by this act established, he shall for every such offence forfeit and pay the sum of five dollars to be sued for and recovered before any justice of the peace in the county where such offence shall be committed for the sole use of the person so unreasonably, delayed, hindered or defrauded. Unreasonable delay by toll-gatherers.

*And be it further enacted* That the shares in the said turnpike road shall be taken, deemed and considered to be personal estate and shall and may be transferable, and a certificate of such transfer shall be recorded by the clerk of the corporation in a book to be kept by him for that purpose. Transfer of stock.

*And be it further enacted* That the president and directors of the said corporation shall keep a just and fair account of all monies received by the several collectors of toll on said road, and shall make and declare a dividend of the clear profits and income (all contingent costs and charges being first deducted) amongst all the stockholders of the said corporation and shall on the second Tuesday of January and July in every year publish the half yearly dividend to be made of the said clear profits among the stockholders and of the time and place when and where the same will be paid and shall cause the same to be paid accordingly. Dividends.

*And be it further enacted* That the said president and directors shall within six months after said road is completed lodge in the comptrollers office of this State, an account of the expence thereof, and the corporation shall annually exhibit to the comptroller a true account of the dividend or income arising from said toll, with the annual disbursements on said road. Statement to be filed with comptroller.

*And be it further enacted* That the legislature may dissolve the said corporation when the income arising from said toll shall have fully compensated the said corporation for all monies they may have expended in purchasing, making, repairing and taking care of said road together with an interest of fourteen per centum per annum and thereupon the right, interest and property of said road shall be vested in the people of this State and be and remain at their disposal. Dissolution of corporation.

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## CHAP. 80.

AN ACT to amend the act entitled "An act for the better settlement and relief of the poor."

PASSED the 1st of April, 1799.

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That every master of any ship or other vessel arriving from a foreign country or from any other State who shall enter his vessel at the custom house in the city of New York shall within twenty four hours after such entry make a report in writing on oath Report to be made of names of passengers.

to the mayor or in case of his sickness or absence to the recorder of the said city of the name, age and occupation of every person who shall have been brought as a passenger in such ship or vessel on her last voyage upon pain of forfeiting for every neglect or omission to make such report the sum of seventy five dollars for every alien and the sum of fifty dollars for every other person neglected to be so reported as aforesaid.

Bonds to be given by masters of vessels.

*And be it further enacted* That it shall be lawful for the said mayor or in case of his sickness or absence for the said recorder to require every such master of such ship or vessel to be bound with two sufficient sureties to the mayor, aldermen & commonalty of the said city in such sum as the said mayor or recorder may think proper (not exceeding three hundred dollars for each passenger) to indemnify and save harmless the said mayor aldermen and commonalty and the overseers of the poor of the said city and their successors from all and every expence and charge which shall or may be incurred for the maintenance and support of any such person so imported in case such person shall at any time within two years thereafter become chargeable to the said city; and if any such person so brought as aforesaid and not being a citizen of the United States shall be permitted or suffered to land within the said city from any such ship or vessel until such bond shall have been given, and without a permission in writing from the said mayor or recorder the master or commander of such ship or vessel shall be subject to the penalty of five hundred dollars for every person so suffered or permitted to land as aforesaid.

Penalty for allowing passengers to land elsewhere.

*And be it further enacted* That if any person or persons who may have been passengers in any such ship or vessel and not being a citizen or citizens of the United States shall be suffered to land from such ship or vessel at any place within the distance of fifty miles from the said city with intent to proceed to the said city otherwise than in the said ship or vessel, the master or commander thereof shall be liable to the like penalty of five hundred dollars for every such person so suffered or permitted to land.

Persons entertaining foreigners to report.

*And be it further enacted* That if any householder in the said city shall knowingly entertain in his house or family any alien or aliens so landed as aforesaid either in the said city or within the distance of fifty miles from the same, and shall not report the said alien or aliens to the said mayor or in case of his absence or sickness to the said recorder within twenty four hours after such entertainment commenced, he shall forfeit and pay the sum of fifty dollars for every such alien so entertained.

Recovery of penalties.

*And be it further enacted* That all and singular the said penalties and forfeitures shall and may be sued for and recovered with full costs of suit by action of debt in the supreme court of this State in the name of the said mayor aldermen and commonalty and when recovered by them shall be applied towards the support of the poor of the said city, and the defendant in every such suit shall be held to special bail, and the said supreme court shall direct the trial thereof by a jury of any county that may be judged proper and upon every such trial for any penalty or forfeiture supposed to be incurred by the landing of any such persons or persons as aforesaid within the said city, the same landing shall be presumed unless the defendant shall prove that the said person or persons were taken or sent to some foreign country without having been suffered to land as aforesaid.

Compounding for penalties.

*And be it further enacted* That it shall and may be lawful for the said mayor aldermen and commonalty to compound for the said pen-

alties and forfeitures or any of them either before or after suing for the same upon such terms as the circumstances of the defendant or of the case may in their judgment require.

*And be it further enacted* That every ship or vessel from which said alien or aliens shall have been so as aforesaid landed without permission from the said mayor or recorder in writing shall be liable for the said penalties and may be proceeded against by information in the said supreme court, and by attachment and seizure grounded thereon unless the owners thereof shall give bond with sufficient sureties to the sheriff serving such attachment for the payment of the said penalties and every of them which may have been incurred during or since the last voyage of the said ship or vessel or for paying the value of such ship or vessel towards the satisfaction of such penalties as may have been so incurred by suffering any alien or aliens to land as aforesaid, and such value shall be ascertained by the wardens of the port of New York or any two of them, and such bond shall be assignable as bail bonds are by law and be subject to such orders respecting the same as the said supreme court may judge it proper to make.

Ship liable for penalties.

*And be it further enacted* That whenever any person or persons so brought as aforesaid in any such ship or vessel and being a citizen or citizens of the said United States shall by the said mayor or recorder be deemed likely to become chargeable to the said city the master of such ship or vessel shall upon an order for that purpose remove the said person or persons without delay to the place of his, her or their last settlement, and in default thereof shall be bound to pay all such charges and expences as the said city shall or may sustain or be put unto in and about the maintenance and removal of such person or persons to be sued for and recovered in like manner as the several penalties herein before mentioned are directed to be sued for and recovered.

Master to move persons liable to become a public charge to place of legal settlement.

*And be it further enacted* That this act shall take place and be in force from and after the first day of June next and that the act entitled "An act to amend the act entitled "An act for the better settlement and relief of the poor" passed the third day of April one thousand seven hundred and ninety seven shall then cease and be repealed except as to any penalties incurred and suits or prosecutions depending during the continuance thereof.

Act repealed.

## CHAP. 81.

AN ACT further directing the commissioners of the land office.

PASSED the 1st of April, 1799.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That it shall and may be lawful for the commissioners of the land office to issue letters patent to the purchasers of one or more lots of land directed to be sold by the act entitled "An act for the further sale of the unappropriated lands of this State" for such lots as the purchasers have paid for, according to the directions of the said act, any thing in the eleventh section of the said act notwithstanding.

Certain letters patent to issue.

## CHAP. 82.

### AN ACT for the relief of George Merchant, John J. Klock John Joyce, and David Cook.

PASSED the 1st of April, 1799.

**Preamble.** WHEREAS it appears that the foundation of the public building in State street in the city of Albany was laid between seven and eight feet lower than that of the dwelling house of George Merchant, adjoining thereto, in consequence whereof the walls of the house of the said George Merchant have been fractured and otherwise injured, whereby he has sustained considerable damage: Therefore,

**Appropriation to George Merchant.** *Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That the treasurer of this State shall pay to the said George Merchant on the warrant of the comptroller out of any money not otherwise appropriated the sum of one hundred and sixty two dollars and fifty cents in full for his damages sustained in and about the premises, and upon receipt thereof, the said George Merchant shall execute to the people of this State a good and sufficient discharge for the same—

**Id., John J. Klock.** *And be it further enacted,* That the treasurer shall pay on the warrant of the comptroller to John J. Klock forty dollars and nine cents, being a sum paid into the treasury of this State by Peter Schuyler on the fifth day of April one thousand, seven hundred and ninety in behalf of the said John J. Klock, through mistake for commutation of quit rents on six hundred and ninety acres in lot number eleven, in a tract of land granted to Francis Harrison and others.

**Id., John Joyce.** *And be it further enacted,* That the treasurer of this State shall be and he is hereby directed to pay on the warrant of the comptroller to John Joyce or to his legal representative the sum of fifty five dollars out of any monies in the treasury not otherwise appropriated—

*And whereas* the right of preemption to lot number eighteen in the third allotment of New Petersburg legally belonged to David Cook and Jacob Dennis jointly, and the said Dennis having died before a title for said lot was obtained from the State, leaving a widow and heirs under age. And whereas the surveyor general cannot take a mortgage from said minors, nor can he convey part of the said lot to David Cook; Therefore,

**Grant to David Cook.** *Be it further enacted,* That it shall be lawful to and for the surveyor general to execute a conveyance of lot number eighteen aforesaid to David Cook in the same manner as if the said Cook had been entitled to the right of preemption to the whole of the aforesaid lot: *Provided* the said David Cook shall execute a bond to the people of this State in a penalty and with sureties in the opinion of the surveyor general, sufficient and satisfactory, conditioned that he will when thereunto required account with and satisfy the heirs of the said Jacob Dennis for a moiety of the value of the said lease and preemptive right—

**CHAP. 83.**

AN ACT to enable certain persons therein named to purchase and hold real estates within this State.

PASSED the 1st of April, 1799.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That it shall and may be lawful for David Little, Joseph Sprowls, William Sprowls, John Little, John Campbell, William Cooper, Robert Vance, James Dickson, John Barry, William Barry, James O'Neil, John O'Neil, James McVickar, Donald McDonald, Robert W. Jones, Anthony Theodore Braun, John Scott, William Thompson, Thomas Gourley, Hugh Scott, John Arnold, James Devin, Louis LeGuen, George Alexander, Joseph Alexander, William James, Joseph Scott and Hannah his wife, John Nixon, John Meadon, William Henry Blood, William Story, John McNish, Alexander Hunter, Alexander Welsh, Thomas Welsh, and William Welsh, severally to purchase lands, tenements and hereditaments within this State and respectively to have and to hold the same, as also all lands tenements and hereditaments by them severally purchased before the passing of this act, to them, their respective heirs and assigns forever, as fully as any natural born citizen, may or can do, any law or usage to the contrary notwithstanding.

Persons named may hold lands in this State.

*And be it farther enacted,* That no lands, tenements or hereditaments heretofore purchased by any of the persons herein before named, shall escheat to the people of this State on account of the alienism of such person, but all such lands, tenements and hereditaments are hereby declared to be vested in such purchaser or purchasers, his, her, or their heirs or assigns, any law to the contrary notwithstanding. *Provided always* that no alienation of any lands, tenements, and hereditaments purchased or to be purchased or held by virtue of this act, shall be good and effectual in the law other than to a citizen or citizens of the United States.

Lands previously purchased not to be forfeited.

**CHAP. 84.**

AN ACT for supplying the city of New York with pure and wholesome water.

PASSED the 2d of April, 1799.

WHEREAS Daniel Ludlow and John B. Church together with sundry other citizens of this State have associated for the purpose of supplying the city of New York with water for the use of such of the inhabitants thereof and others, as may be inclined to take the same, and have with a view to further this laudable design, and to divide the hazards attendant thereon, set on foot a subscription, and actually subscribed considerable sums of money thereto, upon condition that the legislature should deem it expedient to grant them support and encouragement, by giving them and such others as shall hereafter subscribe and join their association, a suitable charter of incorporation, as doth appear by their several petitions to the legislature; to the end therefore, that the

Preamble.

said Daniel Ludlow and John B. Church, and their present and future associates, may be encouraged to proceed to carry into effect their laudable undertaking, which promises under the blessing of God, to be conducive to the future health and safety of the inhabitants of the said city

Manhattan  
Company  
incor-  
porated.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That Daniel Ludlow, John B. Church, John Watts, Joseph Browne and their present and future associates, their successors and assigns, be and they are hereby created a body corporate and politic by the name of the "President and Directors of the Manhattan Company" and are hereby ordained, constituted and declared to be for ever hereafter, a body politic and corporate in fact and in name, and by that name, they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal and make, change and alter the same at their pleasure; and also that they and their successors by the same name and stile, shall be in law capable of purchasing, holding and conveying any estate real and personal for the use of the said corporation. *Provided* that the real estate so to be holden shall be such only as shall be necessary to promote or attain the objects of this incorporation.

Capital  
stock.

*And be it further enacted,* That the capital stock of the said corporation shall not exceed two millions of dollars, and that a share in the said stock shall be fifty dollars; and that subscriptions to the said capital stock shall be opened and kept open under the direction of the said president and directors until the whole number of shares subscribed, together with those already subscribed shall amount to thirty nine thousand shares, and shall further be kept open as aforesaid for the term of thirty days thereafter for the benefit of such persons as may choose to subscribe for not more than two shares; that it shall and may be lawful for the mayor aldermen and commonalty of the city of New York, to subscribe to the said stock any number of shares not exceeding two thousand.

Directors;  
elections.

*And be it further enacted,* That the stock, property and concerns of the said company shall be conducted and managed by thirteen directors, stockholders and citizens of the said city of New York, of which directors the recorder of the said city of New York for the time being shall always, ex officio, be one, which directors shall hold their offices for one year from the second Tuesday in December in every year; and twelve of the said directors shall be elected on the first Tuesday in December in every year, at such time of the day, and at such place within the city of New York, as a majority of the directors for the time being shall appoint; and public notice shall be given by the said directors not less than thirty days previous to the time of holding the said election by an advertisement to be inserted in at least two of the public news-papers printed in the said city of New York; and the said election shall be made by such of the stockholders of the said company as shall attend for that purpose in their proper persons or by proxy and all elections for directors shall be by ballot; and the twelve persons who shall have the greatest number of votes at any election shall be the directors. And if it shall happen at any election that two or more persons have an equal number of votes in such manner that a greater number of persons than twelve shall by plurality of votes appear to be

chosen as directors, then the said stockholders herein before authorized to vote at such elections shall proceed to ballot a second time, and by plurality of votes determine which of the persons so having an equal number of votes shall be the director or directors, so as to complete the whole number of twelve. And the said directors, as soon as *may* be after their election shall proceed in like manner to elect by ballot one of their number to be their president; and if any of the directors so to be elected shall at any time remove out of the city of New York, the office of such director or directors shall be considered as vacant; and if any vacancy or vacancies shall at any time happen among the directors, by death, resignation, removal or otherwise, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by such person or persons as the remainder of the directors for the time being, or the major part of them, shall appoint. That the first directors shall be Daniel Ludlow, John Watts, John B. Church, Brockholst Livingston, William Edgar, William Laight, Paschal N. Smith, Samuel Osgood, John Stephens, John Broome, John B. Coles and Aaron Burr, who shall hold their offices until the second Tuesday in December next. And the said first directors, at their first meeting shall proceed to appoint their president.

President.

First directors.

*And be it further enacted,* That the directors shall have power to appoint the time and place of all meetings for the dispatch of business, to appoint all such officers, agents and servants, as they shall deem necessary for carrying into effect the powers by this act vested in the said company, and to establish rules and regulations for and concerning the conduct and government of such officers, agents and servants.

Officers, agents and servants.

*And be it further enacted* That it shall be lawful for the said company and any person or persons employed by them or acting under their authority, to enter into and upon and freely to make use of any land which they shall deem necessary for the purpose of conducting a plentiful supply of pure and wholesome water to the said city, and to erect any dams or other works across or upon any stream or streams of water, river or rivers, or any other place or places where they shall judge proper, for the purpose of raising such stream or streams, or turning the course thereof, or of making use of such streams, rivers or places for constructing or working of any necessary engines, and to construct, dig or cause to be opened any canals or trenches whatsoever, for the conducting of such stream or streams or any other quantity of water, from any source or sources that they may see fit, and to raise and construct such dikes, mounds or reservoirs as they may judge proper for securing and conveying such supply of water as aforesaid to the said city, and to survey and lay out all such lands and streams, as they may think proper in order to ascertain the best mode of furnishing such supply and the best and most productive streams and sources or fountains of water for that purpose, and to lay and conduct any number of pipes, conduits or aqueducts through or over any of the said lands or any rivers or streams of water as they may see fit to or towards the said city, and in any and every part of the said city, and to agree with the owner or owners of any mills, lands, tenements or hereditaments that may be damaged or affected by any of the said operations for and about a reasonable compensation to be made to him, her or them for such mills, lands, tenements or hereditaments or the use thereof, as may be used or occupied for the purposes aforesaid or any of them, or for any damage which he, she or they or any of them may sustain by the employing, diverting or obstructing any such

Power of entering upon lands; appraisal of value.



stream or streams, or using any such lands, or the cutting, laying, raising or making any such reservoirs, aqueducts, canals, trenches, pipes, conduits, dikes or mounds as aforesaid; but in case of disagreement, or in case the owner or owners of such mills, lands, tenements, or hereditaments shall be feme covert, under age, non compos mentis, or out of the State, then it shall be lawful for the judges of the supreme court of this State, or any one of them, (not being an inhabitant of the said city) upon the application of either party, to nominate and appoint three indifferent persons, to view, examine and survey the said mills, lands, hereditaments and tenements, and to estimate the injury sustained as aforesaid, and to report thereupon to the said court without delay, and upon the coming in of such report, and the confirmation thereof by the said court, the said president, directors and company shall pay to the said owners respectively, the sum mentioned in such report, in full compensation for the said mills, lands, hereditaments and tenements, or for the injury sustained as aforesaid, as the case may be, and upon such payment the said president, directors and company shall be and become seized in fee of all such mills, lands, hereditaments and tenements as they shall have taken possession of and paid for as aforesaid, and they and all those who have acted under them, shall be acquitted from, and freed from responsibility for or on account of any such injury.

Damages  
to lands.

*And be it further enacted,* That it shall be lawful for the said company hereby incorporated, and for all and every person or persons employed by or under them, for the purposes contemplated by this act from time to time to enter upon any lands contiguous or near to said streams, fountains, aqueducts, dams or other works, or the places which may be selected for and intended to be used and employed for the same, with carts, waggons or other carriages and beasts of draught and burthen, and all necessary tools and implements both for executing and making and also for altering and repairing the said works or any of them, and to take and carry away any timber stone, clay, gravel, sand or earth from the same, for the making altering or repairing the said works or any of them, subject always to the making of compensations for all damages thereby occasioned, either by agreement of parties, or in the mode herein before prescribed.

By-laws  
and ordi-  
nances.

*And be it further enacted,* That it shall be lawful for the president and directors of such company from time to time to make and establish such bye-laws and ordinances as they may think fit and proper, and as may be consistent with the constitution and laws of this State and of the United States, for conducting and managing the affairs of the said company, and for conducting and preserving the said works and every of them, and for conveying, employing distributing and disposing of the water so to be conducted as aforesaid, and for carrying into effect all the objects and purposes of the said incorporation; and may also agree with the corporation of the city of New York, the inhabitants of the said city and others choosing to take or use the said water, regarding the rates at which the same shall be paid for. *Provided* that the said company shall within ten years from the passing of this act furnish and continue a supply of pure and wholesome water sufficient for the use of all such citizens dwelling in the said city as shall agree to take it on the terms to be demanded by the said company, in default whereof the said corporation shall be dissolved.

Other busi-  
ness may  
be engaged  
in.

*And be it further enacted,* That it shall and may be lawful for the said company to employ all such surplus capital as may belong or accrue to the said company in the purchase of public or other stock, or

in any other monied transactions or operations not inconsistent with the constitution and laws of this State or of the United States for the sole benefit of the said company.

*And be it further enacted,* That it shall be lawful for the said directors to call and demand from the stockholders respectively all such sums of money by them subscribed or to be subscribed, at such times and in such proportions as they shall see fit, under pain of forfeiture of their shares, and of all previous payments thereon to the said president, directors and company. Assessments on stockholders.

*And be it further enacted,* That if any person or persons shall willfully do or cause to be done any act whatsoever whereby the said works, or any pipe, conduit, canal, water-course, mound, plug, cock, reservoir, dyke, or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, or injured, the person or persons so offending, shall forfeit and pay to the said company, treble the amount of the damages sustained by means of such offence or injury, to be recovered by such company with costs of suit and by action of debt in the supreme court of judicature of this State, which action shall in every instance be considered as transitory in its nature, and shall and may be liable in any county in this State. Willful damage to pipes and conduits.

## CHAP. 85.

AN ACT to amend the act entitled "An act for the relief of debtors with respect to the imprisonment of their persons."

PASSED the 2d of April, 1799.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That so much of the fourth section of the act entitled "An act for the relief of debtors with respect to the imprisonment of their persons," as authorizes the detaining in gaol any prisoner or prisoners, who is or are already, or hereafter may be entitled to be discharged from imprisonment under the provisions in the said section, upon the payment of the weekly sum therein mentioned by the creditor or creditors of such prisoner or prisoners shall be and hereby is repealed. And every prisoner who hath or may comply with the directions of the said fourth section of the said act, shall be discharged from imprisonment, any thing therein to the contrary notwithstanding. Part of act recited repealed; certain prisoners to be discharged.

*And be it further enacted* That every person who now is, or hereafter shall be confined in gaol on execution, and shall have remained in gaol the space of three calendar months, shall be entitled to the benefit of the act herein before mentioned, although the sum or sums of money for which such person is or shall be charged in execution shall exceed the sum of two hundred pounds. *Provided* that the several sums for which such person is charged in executions shall not collectively exceed the sum of two thousand five hundred dollars. Certain persons may have benefit of act.

## CHAP. 86.

### AN ACT for the better support of the Oneida Indians.

PASSED the 2nd of April, 1799.

Treaty  
ratified.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the treaty made and entered into on the first day of June last, by and between Egbert Bensin, Ezra L'Houmedieu and John Taylor, agents on the part of the people of this State, and the Oneida Nation of Indians, under the superintendency of Joseph Hopkinson commissioner on the part of the United States, shall be, and is hereby in all things ratified and confirmed.

Appropriation for annuity.

*And be it further enacted,* That the treasurer of this State shall pay on the warrant of the comptroller thereof, to the order of the person administering the government of the State, the sum of seven hundred dollars in the present year, and the like sum in every year thereafter; which said sums of money shall be paid to the said Oneida Nation of Indians in conformity to the stipulations contained in the treaty aforesaid, and in such way and manner as is by law provided for the payment of the annuities heretofore contracted by the people of this State to be paid to the said Indians.

Letters patent to issue to Israel Chapin and Northern Missionary Society.

*And be it further enacted,* That it shall and may be lawful for the commissioners of the land office, and they are hereby required, to cause letters patent to be issued to Israel Chapin superintendent of Indian affairs under the authority of the United States, thereby granting to the said Israel Chapin, two hundred and forty acres of land, out of a certain tract of one mile square, situate easterly from New Stockbridge so called, and reserved by the said Oneida Nation of Indians to their use in the cession of lands made by them to the people of this State on the fifteenth day of September in the year one thousand seven hundred and ninety five; which said two hundred and forty acres, shall be so taken from the tract aforesaid, as to be equal in quality of soil to the tract in general. And the said commissioners of the land office shall cause letters patent to be issued to the Northern Missionary Society in the State of New York, thereby granting to the said society all the residue of the said tract of one square mile to be holden by such society, to and for the use and support of a minister of the Gospel residing and officiating among the said Oneida Nation of Indians.

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## CHAP. 87.

AN ACT authorising the governor whenever in cases of public calamity the same shall become necessary to appoint occasionally places for holding any of the courts within this State different from the places where they shall be to be held by law.

PASSED the 2nd of April, 1799.

Governor authorized to change place of holding

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That the person administering the government of this State for the time being shall be authorised at any time during a vacation of the supreme court or of any court of common pleas or

session of the peace or mayors court in any of the counties or cities if he shall deem it requisite by reason of war pestilence or other public calamity or the danger thereof that the then next ensuing term or session of any of the said courts should be held at a different place from the place where such term or session would be to be held by law to appoint by writing under his hand and to be recorded in the secretary's office and published in such and so many public news papers as he may deem convenient and requisite that the same may be seasonably made known such different place for holding such ensuing term or session as he shall deem most eligible, and at any time thereafter during such vacation to revoke every such appointment and by another to appoint a place anew or leave such term or session to be held at the place where by law it would have been held and whenever such term or session shall be held at any place so appointed all processes shall be returned and all persons shall be held to appear at such place equally as if such term or session was held at the place where by law the same was to have been held.

terms of  
courts.

## CHAP. 88.

### AN ACT for the inspection of flour and meal.

PASSED the 2nd of April, 1799.

WHEREAS it is necessary that great care should be taken to preserve the reputation of flour and meal the staple commodities of this State, therefore

Preamble.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That no wheat flour, rye flour, Indian meal, or buckwheat meal, shall be shipped for exportation out of this State, before the same shall have been submitted to the view and examination, approved of and branded by one of the inspectors appointed by virtue of this act.

Flour,  
meal, etc.,  
to be in-  
spected be-  
fore ex-  
ported.

*And be it further enacted,* That all wheat flour, rye flour, Indian meal or buckwheat meal, manufactured for exportation as aforesaid, shall be packed in good and strong casks, made of seasoned oak, or other suitable timber each cask whereof shall be hooped with at least ten hoops, three of which hoops shall be on each chine, and properly nailed; which said casks shall be of but two sizes, one size whereof shall contain one hundred and ninety six pounds of flour or meal, with staves of twenty seven inches long and each head sixteen inches and one half diameter. The other size whereof shall contain ninety eight pounds of flour or meal, and shall be made of the following dimensions vizt one of which, the staves whereof may be twenty two inches long, and each head fourteen inches diameter, or the staves may be twenty seven inches long and each head not to exceed twelve inches diameter, both which sizes of casks shall be made nearly straight for the convenience of storage; and the tare of said casks respectively shall be marked on one head with a marking iron. *Provided nevertheless,* that nothing in this act shall be construed to prevent the packing of Indian meal in hogshead for exportation, which shall contain eight hundred pounds, and be duly inspected and branded; and each cask of flour and meal packed as aforesaid, shall be branded with the initial of the Christian name, and surname of the manufacturer thereof at full length, together with the nett weight of flour or meal which shall

How put  
up in  
casks.

How  
branded.

be contained in each cask, except hogsheads of Indian meal, on which the nett weight only shall be branded; and on each cask of wheat flour intended for the first quality, shall be branded the word "superfine" and on each cask intended for the second quality, shall be branded the word "fine"; and on each cask intended for the third quality shall be branded the words "fine middlings"; and on each cask intended for the fourth quality shall be branded the word "middlings"; and on each cask of rye flour intended for first quality, shall be branded the words "superfine rye flour." And on each cask intended for the second quality, shall be branded the words "fine rye flour"; and on each cask of Indian meal shall be branded the word and letter "I. Meal," or if kiln dried "K. D. Meal"; and on each cask of buckwheat meal shall be branded the word and letter "B. Meal", before either respectively shall be offered for inspection.

Duty of inspectors.

*And be it further enacted,* That it shall be the duty of the inspectors appointed under this act, upon application to them made, to examine and determine the quality of such flour or meal; and on each cask made and branded, and the flour or meal packed therein agreeably to this act, he shall then and not otherwise, brand the initial letters of his Christian name, and his surname at full length, together with the name of the county, where the same is inspected, on the quarter in a distinguishable manner. And in all cases where the brands, describing the quality of the flour or meal, shall not in his judgment be branded according to its respective kinds and qualities, he shall alter the same so as to describe the real quality according to the full intent and meaning of this act. That it shall be the duty of the inspectors from time to time, to weigh such casks of flour and meal as he or they shall suspect of being too light: and if found not to contain the just and true weight, to mark or brand the same on the head with the word, "light"; and for each cask which he or they shall so mark or brand with the word "light", such inspector shall be entitled to, and receive from the owner or shipper of such flour or meal for his trouble in weighing the same that is to say, for every barrel, or half barrel the sum of twenty cents; and for each hogshead forty five cents. And every cask of flour or meal which shall not contain the full weight branded thereon, the manufacturer thereof shall forfeit and pay for every pound weight of flour or meal so deficient the sum of twenty cents. And on all flour or meal injured in manufacturing, or otherwise damaged, so as not to be fit for exportation under any denomination, in the judgment of said inspector, he shall mark or brand on the same the word, "bad;" which flour or meal so marked or branded "light or bad" shall not be shipped out of this State under the penalty of five dollars for every cask so marked or branded, to be recovered in any court of record in this State, by action of debt, by any person who shall prosecute for the same. And for the trouble aforesaid, the inspectors appointed agreeable to this act, shall be entitled to receive two cents for each and every cask of flour or meal, and four cents for each and every hogshead of Indian meal he shall so inspect or examine, to be paid him by the owner or possessor of such flour or meal, who shall charge the buyer or purchaser of such flour or meal with one half of the amount of such inspection over and above the price of such flour or meal.

Appointment of inspectors.

*And be it further enacted,* That his excellency the governor, by and with the advice and consent of the council of appointment, shall from time to time appoint an inspector of flour and meal in the respective cities of New York and Albany, and as many inspectors of flour and

meal, in each county in this State, as shall appear necessary; and it shall be lawful for the inspectors of the said cities of New York and Albany by writing under their respective hands and seals, to appoint as many deputies as they shall think necessary, to assist them in the execution of their office, and to displace them at pleasure, and all acts of such deputies shall be performed in the name of their respective principals.

*And be it further enacted,* That the inspectors who shall be appointed in pursuance of this act, before they enter upon the execution of their respective offices shall take, the following oath, or affirmation, before one of the judges of the court of common pleas, or if in the cities of New York or Albany before the mayor or recorder thereof vizt "I, A. B. do swear (or affirm) that I will faithfully, truly and impartially, to the best of my judgment, skill, and understanding, execute, do and perform the office and duty of inspector and examiner of flour and meal, according to law." Oath of office.

*And be it further enacted,* That the inspector appointed agreeable to this act, for the city and county of New York, have liberty and power granted him to do, execute and perform the duties of his office in Kings county and the vicinity of New York, the same as in the city. Inspectors for New York may act in Kings.

*And be it further enacted,* That no inspector of flour or meal shall purchase any flour or meal other than for their own private use, under the penalty of five hundred dollars to be recovered as aforesaid by action of debt. Inspectors not to deal in flour or meal.

*And be it further enacted,* That all flour and meal purchased for exportation shall be inspected as aforesaid, at the time and place of such exportation; and if the same shall on examination be found of such good quality, and in such good order, as is herein before directed, such inspector shall then brand on the quarter of each such cask in legible letters, the initial letter of his christian name, and the letters of his surname, and the words "New York" at full length, and if any purchaser of flour or meal for exportation, shall not have the same inspected as aforesaid at the time and place of such exportation, such purchaser or exporter shall forfeit and pay for every cask of flour or meal five dollars, although the said flour or meal may have been inspected and branded any time previous to such purchase. Inspection; branding; penalty.

*And be it further enacted,* That if any person or persons shall lade or attempt to lade on board any vessel, with intent to ship or export the same direct out of this State, any flour or meal not branded as aforesaid, by one of the inspectors for good and merchantable flour or meal, such person or persons shall forfeit the same. And if any person or persons shall have exported any flour or meal out of this State not branded by one of the inspectors for good and merchantable flour or meal such person or persons shall forfeit and pay the sum of five dollars for every cask of flour or meal so exported. Lading un-inspected casks.

*And be it further enacted,* That if any person or persons shall alter or counterfeit any of the aforesaid brand marks, whether State or private such person or persons shall forfeit for every such offence the sum of one hundred dollars. Counterfeiting marks.

*And be it further enacted,* That if any person or persons shall put any flour or meal in empty casks for sale, which have been branded by the inspector before such casks were emptied; without first cutting out the said brands, such person or persons shall for every cask so repacked, forfeit and pay the sum of five dollars. Using casks a second time.

*And be it further enacted,* That any person or persons offering for sale any flour, for wheat flour, which shall be found upon examination Penalty for mixing

meal with  
flour.

to be or contain a mixture of Indian meal, or any other mixture, such person or persons shall forfeit and pay for every such cask so mixed the sum of five dollars, and the flour shall be liable for the payment thereof.

Recovery  
of penal-  
ties.

*And be it further enacted*, That all such fines, penalties and forfeitures as aforesaid not already directed how to be collected shall be recoverable before any justice of the peace or in any court of record in this State having cognizance thereof by any person who will prosecute for the same, one half to the prosecutor, and the other half to be paid to the overseers of the poor of the city or town where the fraud is detected.

Former  
acts re-  
pealed.

*And be it further enacted*, That all former acts relative to the inspection of flour or meal, be and the same are hereby repealed excepting that the present inspectors appointed under a former law, shall continue to hold their offices during the pleasure of the council of appointment.

## CHAP. 89.

### AN ACT relative to the counties of Ontario and Steuben.

PASSED the 3rd of April, 1799.

Maps and  
boundaries  
of towns in  
Ontario  
and Steu-  
ben  
counties.

*Be it enacted by the People of the State of New York represented in Senate and Assembly*, That the courts of common pleas of the counties of Ontario and Steuben respectively, shall at the next session of each of the said courts, direct a map and description of the boundaries of every district or town within the said counties to be made, and cause the same to be deposited in the office of the clerk of the county, in which such districts or towns shall be situate; and the accounts of the said clerks for the services aforesaid, shall be audited and allowed by the supervisors of the said counties respectively, and be levied collected and paid in the same manner as the contingent charges of the same counties are by law directed to be levied, collected and paid.

Divisions  
only to be  
made by  
court of  
common  
pleas.

*And be it further enacted* That no division of the said counties or either of them into a district or districts, town or towns, otherwise made than by the court of general sessions of the peace, shall be deemed valid; and the said court of common pleas shall not include among the districts or towns, the boundaries of which are to be recorded as above, any district or town divided by any special court of sessions, but every such district or town so formed by any special sessions, shall be and remain annexed to the districts or towns respectively from which they may have been declared to be separated by such special sessions.

Part of act  
repealed.

*And be it further enacted* That so much of the act entitled "An act to erect part of the county of Montgomery into a separate county by the name of Ontario" and of the act entitled "An act to erect part of the county of Ontario into a separate county by the name of Steuben" as authorize the courts of general or special sessions of the peace in the same counties respectively, to divide the said counties into districts or towns, shall be and is hereby repealed.

Tax levy in  
Ontario for  
a jail.

*And whereas* it appears by the petition of Roger Sprague sheriff of the county of Ontario, that the gaol of the said county is insufficient for the safe keeping of the prisoners of the said county. Therefore

*Be it further enacted* That the supervisors of the county of Ontario shall be and they are hereby directed to cause to be raised levied and

collected in the manner directed according to law, and to lay out and expend in the manner and under the restrictions in the said act contained, a sum not exceeding two thousand dollars, and that one thousand dollars of the said money be raised collected and paid over to the treasurer of the said county on or before the first day of February in the year one thousand and eight hundred, and the residue thereof on or before the first day of February in the year one thousand eight hundred and one.

*And be it further enacted* That the building for that purpose erected and now made use of in Bath in the county of Steuben as the gaol of the said county shall be, and the same is hereby established as the county gaol of the said county of Steuben, and all commitments, heretofore made to the said gaol shall be as valid, as if it had been by law established prior to any such commitment.

Jail in  
Steuben  
county.

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## CHAP. 90.

### AN ACT for the relief of Mary Brannon.

PASSED the 3rd of April, 1799.

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That all the estate right title interest claim and demand whatsoever of the people of the State, of in, and to all that certain house and lot of ground situate in the fourth ward of the city of New York fronting on the southerly side of Courtland street, bounded in front northerly by the said Courtland street southerly by ground of Jacob Wilkins, easterly by ground of John Holdron and westerly by Washington street, containing in front on Courtland street twenty two feet three inches, and in the rear along the ground of Jacob Wilkins eighteen feet two inches, and in length on each side fifty nine feet six inches be the same more or less being part of the real estate of Charles John Brannon and escheated to the people of this State be and the same is hereby granted to the said Mary Brannon widow of the said Charles John Brannon, to have and to hold the same to her, her heirs and assigns forever; *provided* she the said Mary Brannon shall on or before the first day of May next, execute a release to the people of this State of all her right of dower to the other real estate of which the said Charles John Brannon was seized during his life within this State and shall cause the said release to be delivered to the secretary of this State to be recorded. *Provided* that nothing in this act contained shall construed to vest any estate in the premises in the said Mary Brannon unless it appear to the comptroller, that the house and lot hereby granted does not exceed the value of the dower of the said Mary Brannon, of and in the estate whereof the said Charles John Brannon died seized, to be calculated upon the principles established in the concurrent resolution of the senate and assembly of this State of the third and fourth of April in the year of our Lord one thousand seven hundred and ninety two.

Lands re-  
leased to  
Mary  
Brannon.



## CHAP. 91.

AN ACT to enable the mayor, recorder and aldermen of the city of New York, to order the raising monies by tax for the maintenance of the poor, and for defraying the other contingent expences arising in the city and county of New York, and for other purposes.

PASSED the 3rd of April, 1799.

Tax levy  
for con-  
tingent ex-  
pences.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the mayor, recorder and aldermen of the city of New York as the supervisors of the city and county of New York, or the major part of them, of whom the mayor or recorder shall be one, be and they are hereby authorized and empowered as soon as conveniently may be after the first day of May next to order the raising a sum not exceeding sixty nine thousand, six hundred and sixty six dollars and sixty six cents by a tax on the estates real and personal of the freeholders and inhabitants within the said city and county of New York, to be applied to the support and maintenance of the poor of the said city and county, the support and repair of the bridewell, the support and maintenance of criminal persons in the same, the making, repairing, regulating and improving the public roads and streets the defraying of other contingent expences arising within, and properly chargeable to the said city and county, and to make up the deficiencies upon former taxes, arising from insolvents and the fees of collection, not heretofore provided for; and also a further sum not exceeding forty thousand, three hundred and thirty three dollars and thirty four cents by a tax on the estates real and personal of the freeholders and inhabitants within the said city, to the southward of a line, beginning at the outlet of the meadow of Anthony Lispenard into Hudson's river, thence extending to and along the north side of the dwelling house late of Nicholas Bayard deceased, thence along the middle of William street to and across the Bowery lane to Bullock street, to the East river, to be applied to the payment of so many watchmen, as the mayor, aldermen and commonalty of the said city in common council convened shall from time to time determine to be necessary for guarding the said city; to the purchase of oil; providing lamps; and repairing and attending those which now are, and hereafter may be erected in the said city; to the cleansing, repairing and making the public wells and pumps in the said city; to defray the other contingent expences arising in, and properly chargeable to that part of the said city which lies to the southward of the line aforesaid, as the said mayor, aldermen and commonalty in common council convened, may from time to time direct; and for supplying the deficiencies of former taxes upon the same part of the said city, owing to insolvencies, and fees of collection as aforesaid.

Manner of  
assessing.

*And be it further enacted,* That the said several sums of money shall be rated and assessed according to the estates of the several persons to be taxed, and be collected in one payment, and paid into the hands of the treasurer, or chamberlain of the said city, at such time after the said first day of May, as the said mayor, recorder and aldermen, or the major part of them, of whom the mayor or recorder shall be one, shall direct or appoint, any thing in the second section of the act entitled "An act for the more effectual collection of taxes in the city and county of New York" to the contrary notwithstanding.

*And be it further enacted,* That it shall be lawful for the collectors of the first, fourth, fifth and sixth wards of the said city to retain in their hands four cents of each dollar, and for the collectors of the seventh ward of the said city to retain in their hands five cents of each dollar, and the collectors in the several other wards of the said city to retain in their hand three cents of each dollar by them collected; and no more for their trouble in collecting and paying to the treasurer or chamberlain of the said city, such sums of money as shall be raised by virtue of this act; and that it shall be lawful for the said treasurer to retain in his hands seven mills for each dollar and no more, for his trouble in receiving and paying out the said money.

Fees of collectors and treasurer.

*Whereas* the mayor, recorder aldermen and commonalty of the city of Hudson have by their petition represented to the legislature that in the management, and regulation of the police of the said city, many incidental and unavoidable expences accrue; for defraying of which they are not authorized by law to raise monies by tax and have prayed that an act be passed by this legislature giving them authority to raise by tax for the said objects a sum not exceeding five hundred dollars, for the space of three years; therefore,

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That the said mayor, recorder, aldermen and commonalty of the said city in common council convened are hereby authorized to order the raising during the present year, and annually thereafter for the space of three years, for the purposes aforesaid, a sum not exceeding in any one year five hundred dollars, by a tax on the real and personal estates of the freeholders and inhabitants in the said city residing within the limits designated by the act entitled "An act for raising monies in the city of Hudson for the support of a night watch" which said monies shall be raised, assessed, collected and paid in the manner directed by law.

Tax levy in Hudson city.

*And be it further enacted,* That it shall be lawful for the supervisors of the several towns in the county of Schoharie, and they are hereby required to cause to be raised and levied on the freeholders and inhabitants of the said county a further sum of two thousand dollars for completing the court house and gaol in the said county together with an additional sum of four cents on each dollar for collecting the same, and one cent on each dollar for the treasurer's fees, to be levied and collected in the same manner as the other necessary and contingent charges of the said county are by law directed to be levied, collected and paid.

Tax levy in Schoharie county.

*And be it further enacted,* That one thousand dollars of the said two thousand dollars shall be raised, collected and paid into the treasury of the said county, on or before the first Tuesday in December next, and the further sum of one thousand dollars on or before the first Tuesday of December in the year one thousand, and eight hundred.

When tax to be collected.

*And be it further enacted,* That it shall be lawful for the treasurer of the said county to retain in his hands, the sum of one cent, on each dollar he shall so receive as a compensation for his trouble in receiving and paying over the said moneys.

Fees of treasurer.

## CHAP. 92.

**AN ACT** concerning writs of certiorari, and to repeal the ninth section of the act entitled "An act concerning courts of oyer and terminer and gaol delivery."

PASSED the 3rd of April, 1799.

Judgments  
on certio-  
rari.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That in all cases of judgments had before any justice of the peace by virtue of the act entitled "An act for the more speedy recovery of debts to the value of ten pounds" and which may hereafter be removed into the supreme court by certiorari, the judges shall proceed and give judgment according as the very right of the cause shall appear unto them without regarding any imperfection, omission or defect in the proceedings, before such justice in mere matters of form.

Part of act  
recited  
repealed.

*And be it further enacted,* That the ninth section of the act entitled "An act concerning courts of oyer and terminer and gaol delivery" passed the twenty second day of February, one thousand seven hundred and eighty eight, shall be and the same is hereby repealed.

Liability of  
justice of  
the peace.

*And be it further enacted* That no justice of the peace shall by virtue of such his office, be liable hereafter to any penalty for not attending any court of oyer and terminer or gaol delivery unless the duties of his office require him to attend such court, any law or usage to the contrary notwithstanding.

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## CHAP. 93.

**AN ACT** to raise a sum of money for the use of this State by tax, and for the further support of government.

PASSED the 3rd of April, 1799.

General  
state tax  
levy of one  
mill on  
each dollar  
for school  
purposes.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That a tax of one mill upon each dollar of the valuation of the real and personal estates within this State, shall be raised, levied and collected in the present year in the manner directed by the act entitled "An act for the assessment and collection of taxes" for the use of this State; and that out of the first money that shall come into the treasury on account of the said tax, the sum of fifty thousand dollars shall be and hereby is appropriated to the discharge of the sums that became payable on the third Tuesday of March one thousand, seven hundred and ninety eight, to the several counties of this State agreeable to the act for the encouragement of schools passed the ninth day of April one thousand, seven hundred and ninety five; and the treasurer of this State shall be and is hereby directed on the warrant of the comptroller to pay the same to the respective county treasurers of this State in the same manner and in the same proportions as is provided in and by the said act.

Lists to be  
furnished  
to commis-  
sioners of  
taxes.

*And be it further enacted,* That the comptroller shall prepare and transmit to the several commissioners of taxes, a sufficient number of printed forms of all lists, abstracts and returns which may be required

in the execution of the act entitled "An act for the assessment and collection of taxes" together with such further directions as may in his opinion be necessary to produce uniformity in the mode of the execution of the said act; and that the said commissioners shall forthwith transmit to the clerks of the several towns within their respective counties a sufficient number of the said forms and directions for the use of the assessors within the same towns, and that the sum of five hundred dollars be appropriated to defray the expences of printing and distributing such forms and directions.

*And be it further enacted* That the treasurer of this State be and he is hereby authorized and required to pay to the president of the senate, the speaker of the assembly, the members of the legislature and the officers belonging to each house for their attendance at the present session, one half of the additional compensation which was by law allowed to the president of the senate, the speaker of the assembly, the members of the legislature, and the officers belonging to each house at the last session, and that each officer shall be allowed compensation for travelling at the same rate, as members of the legislature are allowed; and that in addition to the annual salaries now allowed to the governor, or person administering the government of this State, to the chancellor, to the chief justice, and each of the other justices of the supreme court, there be allowed from the first day of July last, until the first day of July next the one half of the additional sums which were allowed to those officers, respectively, by law of the last session of the then current year.

Additional compensation to members and officers of legislature.

*And be it further enacted,* That the commissioners of taxes shall forthwith after the valuations and assessments shall come to their hands, transmit to the comptroller, an abstract thereof, shewing the gross amount of the said valuations and assessments within each town in their respective counties distinguishing the amount of real estate, of each enumerated article of personal estate, and of the residue of personal estate by law made taxable.

Commissioners to furnish comptroller abstract of assessments.

*And be it further enacted,* That it shall be lawful for the mayor aldermen and commonalty of the city of New York to borrow on the credit of this State a sum not exceeding forty-five thousand dollars to be by them applied towards discharging the expence incurred in relieving the distresses of that city occasioned by the late epidemic which has prevailed there, and that the legislature will hereafter make provision for the repayment of the money so to be borrowed.

Mayor, etc., of New York city may borrow moneys for purpose named.

## CHAP. 94.

AN ACT for payment of certain officers of government and other contingent expences.

PASSED the 3rd of April, 1799.

*I. Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That the treasurer of this State, shall on or before the first day of July next, on the warrant of the comptroller, pay to Simeon Dewitt, surveyor general of this State, the sum of one thousand two hundred and fifty dollars for his services in his said office from the first day of July last to the first day of July next: *Provided nevertheless,* that the said Simeon Dewitt shall account with the

Annual appropriation bill; surveyor-general.

comptroller of this State, and pay into the treasury, all the fees which he may have received, or shall receive as surveyor general during the time above mentioned, and which have not been yet accounted for and paid.

Adjutant-general.

II. *And be it further enacted*, That the treasurer shall in like manner pay to David Van Horn, adjutant general of the militia of this State, the sum of one thousand five hundred dollars, for his services in his said office, from the first day of July last to the first day of July next.

Governor for incidentals.

III. *And be it further enacted*, That it shall be lawful for the treasurer to pay to the person administering the government of this State for the time being to defray the immediate charges which may arise in and about the administering the government of this State, such sum or sums as he shall require not exceeding in the whole, the sum of seven hundred and fifty dollars.

Chaplains of legislature.

IV. *And be it further enacted*, That the treasurer shall pay to such of the clergy as shall have attended the legislature as chaplains, during the last and present meeting the sum of two dollars each, for every day they shall have so attended; which sums shall be certified by the president of the senate and Speaker of the house of Assembly—

State printers.

V. *And be it further enacted*, That the treasurer shall pay unto Loring Andrews and Company printers to this State, such sums of money, as shall be certified by the comptroller to be due them for printing the laws and journals of the present session of the legislature, and such other printing as has been or may be done by them agreeably to a contract made with them by the comptroller, in pursuance of concurrent resolutions passed the thirteenth and fifteenth days of January one thousand, seven hundred and ninety eight.

Id.

VI. *And be it further enacted*, That the treasurer shall pay on the warrant of the comptroller unto the said Loring Andrews, such sums of money, as shall be due him for printing five hundred copies of the communications of the agricultural society, agreeably to a resolution of the legislature passed the twenty ninth day of March one thousand seven hundred and ninety eight.

How payments to presiding officers made.

VII. *And be it further enacted*, That the compensation which now is, or at any time hereafter may become due to the president of the senate and speaker of the assembly for their respective services in their respective offices shall be paid by the treasurer to the said president and speaker, respectively, on the warrant of the comptroller to be issued on the production of their accounts signed by them respectively—

Door-keeper and messenger of councils.

VIII. *And be it further enacted*, That there shall be paid to the door-keeper and messenger of the council of revision and council of appointment during the last and present meeting of the legislature the like sum per day as is allowed by law to the door-keeper of the senate and assembly—

Medical attendants at Bellevue Hospital.

IX. *And be it further enacted*, That the treasurer shall on the warrant of the comptroller pay to Richard Bailey, the sum of sixty six dollars which was paid by him to John McFarlane on the twelfth day of July one thousand seven hundred and ninety six, on account of medical attendance at the hospital at Bellevue.

Legislature, members.

X. *And be it further enacted*, That the treasurer shall pay to each member of the senate and assembly, and their attendant officers for travelling at the rate of twenty miles per day, any law to the contrary notwithstanding—

Id., clerks.

XI. *And be it further enacted*, That the accounts of the clerks of the senate and assembly shall be audited and allowed by the comp-

troller of this State, instead of being certified audited and allowed by the president of the senate and speaker of the assembly.

XII. *And be it further enacted*, That out of the sum appropriated by the two first sections of the act entitled "An act for the further defence of this State and for other purposes," passed the twenty seventh day of August one thousand seven hundred and ninety eight, there be paid to the corporation of the city of New York, such sum as they may have borrowed during the last year, and expended for the purposes mentioned in the said two first sections. New York city.

XIII. *And be it further enacted*, That the secretary of this State do procure for the use of the legislature, two copies of the laws of each State in the Union, and that a sum not exceeding six hundred dollars be appropriated therefor. Laws of the several States.

XIV. *And be it further enacted*, That the comptroller shall issue his warrant to the treasurer to pay unto John Addison on his producing a certificate No. 4787 issued by Gerard Bancker late treasurer of this State to John Hasbrouck for twenty two pounds eight shillings for principal, but omitted to be signed by the said Gerard Bancker, the amount due on the said certificate in the same manner as if the said certificate had been duly signed by the said Gerard Bancker at the time of issuing the same. John Addison.

XV. *And be it further enacted*, That it shall be lawful for his excellency the governor, in case he shall deem it necessary, to purchase a lot of ground, adjacent to the lot on which it is intended to erect an arsenal in the county of Albany, and that the treasurer pay the amount of the purchase money, out of the monies appropriated by the second section of the act entitled "An act for the further defence of this State and for other purposes," *provided always* that the amount of such purchase shall not exceed the sum of five hundred dollars. Purchase of ground for arsenal at Albany.

XVI. *And be it further enacted*, That the treasurer shall pay to Simeon De Witt surveyor general of this State out of any money in the treasury such sum as shall be certified by the comptroller to be due to him for monies paid by him for surveys made by the directions of the agents appointed by the act entitled "An act for the better support of the Oneida, Onondago and Cayuga Indians and for other purposes therein mentioned" and also such further sum as shall be certified by the comptroller to be due to him for monies paid by him in pursuance of the act entitled "An act concerning the great seal of this State for making a new great seal and the implements for using the same after deducting the sum received by him for the metal of the former great seal." Surveyor-general.

XVII. *And be it further enacted*, That the treasurer shall pay out of any money in the treasury all such sums as shall be certified by the comptroller to be due to any county clerks for registering or recording any mortgage to the people of this State or to Gerard Bancker late treasurer of this State in behalf of the State. County clerks.

XVIII. *And be it further enacted*, That it shall be lawful for the treasurer to pay to James Caldwell such sum as the comptroller shall certify to be due to him for an iron chest purchased of him by the comptroller pursuant to concurrent resolutions of the senate and assembly in their present session. James Caldwell.

XIX. *And be it further enacted*, That there shall be allowed to the private secretary of the person administering the government one hundred and eighty seven dollars and fifty cents in addition to the sum allowed by the act entitled "An act for the support of government." Private secretary of governor.

Banks of  
New York  
and  
Albany.

XX. *And be it further enacted*, That the treasurer shall pay to the president directors and company of the Bank of New York and Bank of Albany out of any money in the treasury such sums as shall from time to time be certified by the comptroller to be due to them respectively for the interest of the money loaned by them respectively to the people of this State.

State treas-  
urer.

XXI. *And be it further enacted*, That Robert McClallen (treasurer) retain in his hands such a sum of money as shall be certified by the comptroller to be due him for his expences attending the removal of the books of the treasury and for the conveyance of bills of credit from New York to Albany and for the purchase of books for the use of this State out of any money in the treasury of this State.

Disposi-  
tion of  
certain  
bills of  
credit.

XXII. *And be it further enacted*, That hereafter the bills of credit emitted the 8th day of February 1788 as directed by the forty ninth section of the act passed the 18th day of April 1786, shall not be cancelled; but the same shall be and hereby are made subject to the direction of the legislature for the purpose of satisfying the demands on the treasury of this State, any thing in the said section to the contrary notwithstanding. And the faith of the State is hereby pledged that due provision be made for the redemption of the same.

Council of  
appoint-  
ment.

XXIII. *And be it further enacted*, That the members of the late and present council of appointment shall for their attendance during the recess of the legislature be entitled to the like compensation per day and for travelling as is allowed to the members of the legislature.

Rent of ex-  
ecutive  
mansion.

XXIV. *And be it further enacted*, That the treasurer shall from time to time pay to the order of his excellency the governor of this State on the warrants of the comptroller the money due and to become due for the rent of the house in which he lives in the city of Albany together with the amount of the taxes paid or to be paid for the same house.

Secretary  
of State.

XXV. *And be it further enacted*, That the treasurer shall pay on the warrant of the comptroller to Daniel Hale secretary of this State or to his order such expences as the comptroller shall certify to have been incurred by him in moving the books and papers of his office from the city of New York to the city of Albany and in procuring the necessary boxes for the better preserving the records of this State.

Commis-  
sary of  
military  
stores.

XXVI. *And be it further enacted*, That the treasurer shall pay on the warrant of the comptroller to Ebenezer Stevens commissary of military stores for his service in the said office at the rate of two hundred dollars per annum.

How mem-  
bers and  
officers of  
legislature  
paid;  
claimants  
of Ver-  
mont  
lands.

XXVII. *And be it further enacted*, That the treasurer shall pay the wages of the members and officers of the legislature out of the bills of credit emitted by this State in the year one thousand seven hundred and eighty eight lately borrowed from the Bank of New York by the comptroller on behalf of this State in consequence of concurrent resolutions of the senate and assembly at the present session. And that the residue of the bills so borrowed shall be applied towards paying the claimants of lands in the State of Vermont under grants from the late colony of New York their respective proportions of the money paid into the treasury of this State by the State of Vermont and if such residue shall not be sufficient for that purpose the deficiency shall be paid out of any other money that may come into the treasury.

Certain ex-  
penditures  
to cease.

XXVIII. *And be it further enacted*, That until further legislative provision be made, all further expenditures under the act entitled "An act for the further defence of this State and for other purposes,

shall cease; so far forth as respects the erection of new fortifications or the completing such as have been erected or constructed.

XXIX. *And be it further enacted*, That the treasurer shall pay to the order of the person administering the government of this State such sums as\* he may from time to time direct for defraying such charges and expences as have arisen or may arise in and about the defence of the rights of this State against the claim made under the State of Connecticut. Defense of Connecticut claims.

XXX. *And be it further enacted*, That the comptroller shall and he is hereby directed as soon as conveniently may be; to collect and liquidate the expences incurred by the fortifications in this State for the defence of the United States, and shall also liquidate with the secretary of the treasury of the United States the specie value of the funded debt of the United States assumed by the said States of the debt of this State, on the principles contained in the act of Congress passed the fifteenth day of February last, relative to the ballances reported by the commissioners for settling the accounts between the United States and the several States. Accounts with United States.

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\* So in original.



# L A W S

OF THE

## STATE OF NEW YORK,

PASSED AT THE

TWENTY-THIRD SESSION OF THE LEGISLATURE.

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### CHAP. 1.

AN ACT to prolong the present January term of the supreme court.

PASSED the 31st of January, 1800.

Term of  
court con-  
tinued.

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That the present term of January of the supreme court may be held and continued for such longer space of time than the same is now to be held by law as the justices thereof shall deem the business thereof to require. *Provided nevertheless* that this act shall not be construed to affect the days for the teste and return of writs as now established by law.

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### CHAP. 2.

AN ACT authorizing the comptroller to allow certain charges in the accounts of the commissioners of taxes.

PASSED the 14th of February, 1800.

Allowance  
of certain  
expenses.

*Be it enacted by the People of the State of New York represented in Senate and Assembly*, That it shall be lawful for the comptroller in settling the accounts of the commissioners of taxes for the year last

past, to allow the expences of procuring and furnishing the assessors with the necessary copies of the valuation of houses and lands made under the authority of the United States, and for stationary used by them in making the tax rolls and the necessary copies thereof.

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## CHAP. 3.

### AN ACT to pardon John Pastano for murder.

PASSED the 14th of February, 1800.

WHEREAS John Pastano at a court of oyer and terminer held in and for the city and county of New York on the nineteenth day of November in the year one thousand seven hundred ninety nine, was convicted of the murder of Mary Ann De Castro, and sentenced to be executed accordingly, which execution has been suspended by his excellency the governor until the twenty seventh day of February instant. *And whereas* it appears satisfactorily to the legislature from the testimony submitted at, and discovered since the trial of the said John Pastano, that at the time of the commission of the act aforesaid, he was insane, and is therefore a proper object of mercy. Therefore.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the said John Pastano be and he is hereby fully and absolutly pardoned and discharged from the felony and conviction aforesaid, and all execution and forfeitures thereon. *Provided nevertheless* that the said John Pastano shall continue confined in prison until the assurance which has been made of security's being given that he shall be immediately sent to Madeira where his connections reside, shall be complied with to the satisfaction of the mayor or recorder of the city of New York.

Preamble.  
John  
Pastano  
pardoned.

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## CHAP. 4.

### AN ACT to amend the charter of the Reformed Protestant Dutch Church in the city of New York.

PASSED the 15th of February, 1800.

WHEREAS the day appointed by the charter of the Reformed Protestant Dutch Church of the city of New York for the election of elders and deacons, hath become inconvenient for that purpose; Therefore

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the elders and deacons of the said church, shall annually hereafter be elected on the second Thursday of January, and that the elders and deacons now in office shall continue until the third Sunday inclusive next after the day of election, and their successors in like manner until the third Sunday after the first general election day after their election.

*And whereas* the said charter does not provide for supplying vacancies in said offices which may happen by resignation or declining an election; Therefore

Election of  
elders and  
deacons.

**Vacancies.** *Be it further enacted* That if any of the said elders or deacons shall resign, or any one elected shall decline the office for which he shall have been elected, then and in either of those cases, an election shall be held to fill such vacancy in the manner provided by the said charter to supply a vacancy in said offices by death or removal.

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## CHAP. 5.

AN ACT further to continue the treasurer of this State in office.

PASSED the 15th of February, 1800.

**Act recited continued.** *Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That the act entitled "An act to continue the treasurer of this State in office" be and is hereby revived and continued in force (except as to the salary of the treasurer) until sixty days after the rising of the legislature at their next meeting after the first day of January which will be in the year one thousand eight hundred and one.

**Compensation.** *And be it further enacted,* That the said Robert McClallen shall be allowed to retain as a compensation for his services and expences, including clerk hire, office hire and stationary, the sum of one thousand six hundred dollars a year in quarterly payments for which the comptroller shall give his warrant as the same shall become due.

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## CHAP. 6.

AN ACT to cede to the United States the jurisdiction of certain islands situate in and about the harbour of New York.

PASSED the 15th of February, 1800.

**Islands named ceded to United States.** *Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the following islands, in and about the harbour of New York, and in and about the fortifying of which, this State hath heretofore expended or caused to be expended large sums of money, to wit, all that certain island called Bedlow's island, bounded on all sides by the waters of the Hudson river; all that certain island, called Oyster island, bounded on all sides by the waters of the Hudson river; and all that certain island called Governors island, on which Fort Jay is situate, bounded on all sides by the waters of the East river and Hudson river, shall hereafter be subject to the jurisdiction of the United States: *Provided,* that this cession shall not extend to prevent the execution of any process, civil or criminal, issuing under the authority of this State, but that such process may be served and executed on the said islands respectively, any thing herein contained notwithstanding.

## CHAP. 7.

### AN ACT for the relief of James Pine.

PASSED the 21st of February, 1800.

**Preamble.**  
**WHEREAS** the estate of Thomas Merritt late of the county of Westchester became forfeited to the people of the State of New York by the conviction and attainder of the said Thomas Merritt. *And whereas* James Pine of the said county, is assignee of a mortgage given by the said Thomas Merritt to Ebenezer Brown and Samuel Brown prior to the confiscation of his estate. *And whereas* the said James Pine did, some time in the year one thousand seven hundred and eighty four, locate the farm whereon the said Thomas Merritt resided in the said county of Westchester, and whereof the said mortgaged premises are a part, and hath received a deed for the part thereof unincumbered from the commissioners of forfeiture for the southern district. *And whereas* the said James Pine hath been in the actual possession of the said farm since the time of the said location, and the equity of redemption of the part thereof mortgaged hath been appraised at five pounds in conformity to the act in that case made and provided, but the said James Pine hath not obtained any conveyance or release of the right title & interest of the people of this State of in and to the said equity of redemption of the said mortgaged premises, nor hath he produced to the legislature any satisfactory proof of the payment of the said five pounds to the said commissioners of forfeitures. Therefore

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the surveyor general of this State shall be authorized, and he is hereby directed, to cause the equity of redemption of the said mortgaged premises to be appraised as nearly as may be at what was the value thereof on the eighth day of March one thousand seven hundred and ninety, in such manner as he may think proper, and to execute a release to the said James Pine of all the right title and interest of the people of this State of in and to the said equity of redemption of the said mortgaged premises upon the payment of the amount of such appraisement into the treasury of this State, deducting therefrom the said sum of five pounds, in case the said James Pine shall make it appear to the treasurer of this State that he hath paid the same to the said commissioners of forfeitures.

Release of  
lands to  
James  
Pine.

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## CHAP. 8.

### AN ACT for raising a further sum of money for completing the court house and gaol in the county of Delaware.

PASSED the 21st of February, 1800.

**Preamble.**  
**WHEREAS** the supervisors of the county of Delaware have requested that a further sum of money be directed to be raised on the inhabitants of the said county for completing the court house and gaol of said county. Therefore,

Tax levy  
for court-  
house and  
jail.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That the supervisors of the county of Delaware be and they are hereby authorized and required to direct to be levied and raised on the freeholders and inhabitants of the said county, the sum of five hundred dollars with an additional sum of five cents on the dollar for collecting the same, which sum shall be raised levied and collected in like manner as the other necessary and contingent charges of the said county are by law levied and collected.

How ap-  
plied.

*And be it further enacted* That the said sum of five hundred dollars shall be collected and paid into the treasury of the said county on or before the first day of February next, and the treasurer of the said county is hereby required and directed to pay the said sum of five hundred dollars to the order of the commissioners appointed or to be appointed to compleat the said goal, retaining in his hands the sum of one cent on the dollar for receiving and paying out the same.

Account-  
ing by  
commis-  
sioners.

*And be it further enacted,* That the said commissioners shall account with the supervisors of the said county for the money so by them to be received and expended for the purposes aforesaid when thereunto required.

## CHAP. 9.

**AN ACT** authorizing the raising of monies for the repairs of court houses and gaols.

PASSED the 21st of February, 1800.

Boards of  
supervisors  
may levy  
taxes for  
repairs to  
court-  
houses and  
jails.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That whenever it shall appear necessary to the supervisors or a majority of them, of any county in this State, that repairs be made to the court house or gaol of the said county, it shall and may be lawful for them to direct to be levied and raised on the freeholders and inhabitants of the said county, the sum of money sufficient for such repairs, with an additional sum of five cents on the dollar for collecting the same, which sum shall be raised levied and collected in like manner as the other necessary and contingent charges of the said county are by law levied raised and collected, and that the treasurer of the said county shall retain in his hands the same sum as is allowed in other cases for receiving and paying out the same — *Provided always* that no greater sum than five hundred dollars shall be raised in a county in any one year for the purposes above named.

## CHAP. 10.

**AN ACT** directing the execution of Benjamin Holmes convicted of murder.

PASSED the 22nd of February, 1800.

Preamble.

**WHEREAS** at a court of oyer and terminer held in and for the county of Washington in the month of June last a certain Benjamin Holmes was convicted of the murder of Abraham Francis and sen-

tenced to be executed on the fifth day of August last. *And whereas* his excellency the governor has suspended the execution of the said Benjamin Holmes until the twenty seventh day of February, one thousand and eight hundred, and has reported the case of the said Benjamin Holmes to the legislature. *And whereas* from an examination of the same nothing has appeared of sufficient weight to warrant a favourable interposition. Therefore

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the sheriff of the county of Washington shall cause the said Benjamin Holmes to be executed on the last Friday in March next between the hours of twelve and three in the afternoon. Date of execution filed.

## CHAP. 11.

AN ACT to continue in force and to amend the act entitled "An act for appointing a comptroller in this State.

PASSED the 28th of February, 1800.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That the act entitled "An act for appointing a comptroller in this State" except such part of the said act as relates to the compensation of the comptroller, shall be and hereby is continued in full force to all intents and purposes for the term of three years from the passing of this act. Act recited continued.

*And be it further enacted* That the comptroller shall be allowed a compensation for his services and expences, including clerk hire, office hire, and stationary, a salary of two thousand five hundred dollars a year, payable quarter-yearly, and it shall be lawful for him to draw warrants on the treasurer for the payment thereof as the same shall become due. Compensation of comptroller.

*And be it further enacted,* That the seventh section of the act hereby continued, shall be and hereby is repealed. Part repealed.

## CHAP. 12.

AN ACT to amend the act entitled An act concerning the court of probates.

PASSED the 28th of February, 1800.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That the sixth section of the act entitled "An act concerning the court of probates" passed the thirtieth day of March in the year one thousand seven hundred and ninety nine, shall not be deemed or construed to extend to the estate of any person who died before the passing of said act, nor to the estate of any person or persons, whose executor or executors, administrator or administrators shall have duly made and filed an inventory of the goods, chattels and credits of such testator or intestate before application shall be made for the sale of any real estate belonging to such testator or intestate. How section recited to be construed.

## CHAP. 13.

**AN ACT** to amend an act entitled An act for keeping in repair certain private roads in Orange Town in the county of Orange passed the 10th February 1797.

PASSED the 28th of February, 1800.

How far  
power of  
commis-  
sioners to  
extend.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the power of the commissioners of highways relative to keeping in repair certain private roads for the use and convenience of the proprietors of the salt meadow on the south side of the Slote creek in Orange Town in the county of Rockland shall only extend to keeping in repair the private road, swinging gates, fences and bridges on the south side of and near the Slote creek and to cause the expences thereof to be levied collected and paid in the manner prescribed by the aforesaid act from such of the said proprietors as shall use said road, and bridges any thing in the said recited act to the contrary in any wise notwithstanding.

## CHAP. 14.

**AN ACT** authorizing the supreme court to appoint sittings at the city hall of the city of Albany after January term 1800."

PASSED the 28th of February, 1800.

Sittings at  
Albany  
during va-  
cation.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That it shall be lawful for the justices of the supreme court of judicature to appoint sittings to be held at the city hall of the city of Albany, at such time during the vacation after the term of January 1800, as they may deem proper.

## CHAP. 15.

**AN ACT** relative to the controversy between this State and the State of Connecticut.

PASSED the 28th of February, 1800.

Preamble.

WHEREAS a certain suit or controversy is now depending in the supreme court of the United States, between the State of Connecticut and this State, of and concerning the jurisdiction of a certain tract of land situate within this State, called by the State of Connecticut, the gore, and to the jurisdiction of which the said State of Connecticut claims right.

*And whereas* the legislature of the said State of Connecticut, have, by appointing commissioners for the settlement of the said controversy, manifested a disposition that the same should be accomodated and finally settled in amicable manner. In order therefore that the said controversy may be brought to a speedy and amicable issue.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That it shall and may be lawful to and for the person administering the government of this State for the time being, to appoint by writing under his hand and the privy seal of this State, three commissioners, who on the part of this State, are hereby fully authorized and empowered, finally to settle the said controversy, of and concerning the jurisdiction of the aforesaid tract of land between this State and the State of Connecticut, in such manner as they shall judge most conducive to the interest of this State.

Commissioners to settle controversy with Connecticut.

*And be it further enacted* That there shall be allowed and paid by the treasurer of this State, on the warrant of the comptroller all such expences as shall be incurred in and about the execution of the trusts hereby created, and also that each of the said commissioners shall be allowed for his services five dollars a day for every day he shall be employed in the execution of the trusts hereby reposed in him, computing their traveling charges, if any shall be necessary, at and after the rate of twenty miles for each day. And the said accounts shall be audited by the comptroller of this State, who is hereby required to issue thereupon his warrant accordingly.

Allowance to commissioners.

## CHAP. 16.

AN ACT to revive the act entitled "An act to exonerate certain persons from paying arrears of quit rent passed April 5th 1798, and to extend the time for the settlement of land.

PASSED the 28th of February, 1800.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the act entitled "An act to exonerate certain persons from paying arrears of quit rent" passed April the 5th 1798, be and the same is hereby revived, and the time limited in and by the same act for the remission of quit rent, and commutation thereof is hereby prolonged to the first day of November next upon the terms and conditions prescribed in and by the said recited act.

Act recited revived; time extended.

*And whereas* it is represented to the legislature that the original contracts of sale mentioned in the said recited act, have in diverse instances been satisfied and cancelled by conveyances of the lands therein contained subsequently to the passing of the same act; by which it has become impossible for the purchasers of lands in such cases to comply with the requisites of the said act in producing the said contracts of sale to the comptroller of the State. For remedy whereof.

*Be it further enacted,* That it shall be sufficient for the applicant for the remission of quit rent under the said recited act, instead of the original contract of sale mentioned in the same act, to produce to the comptroller of the State, satisfactory evidence, that such applicant was possessed of such original contract of sale, as would, if produced, have entitled the same applicant to the benefits of the said recited act.

Evidence to be produced.

*And be it further enacted* That the time limited in the patents heretofore granted by this State for the settlement of lands, shall be and hereby is extended for seven years from the first day of January in the year one thousand eight hundred and one.

Time limited in patents extended.



## CHAP. 17.

**AN ACT** making provision for draining a certain tract of swamp and bog meadow known by the name of the Little Binne Water, in the towns of Walkill and Minisink in the county of Orange.

PASSED the 7th of March, 1800.

**Preamble.**

WHEREAS there are certain tracts of swamp and bog meadow in the towns of Walkill and Minisink in the county of Orange commonly called the Little Binne Water which are so far over flowed or drowned as to render the same unfit for agricultural purposes.

And whereas the proprietors of said swamps and bog meadows conceive the same may be made fit for the culture of hemp, mowing and pasturage: Therefore

**Inspectors named; duty.**

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That Hezekiah Woodward, Jonathan Coleman and Elisha Reeve or any two of them or the survivors or survivor of them shall be inspectors finally to settle and determine the number of acres of swamp and bog meadow belonging to each proprietor in said tract which may in their opinion be benefited by draining or ditching the same; which settlement and determination shall be delivered in writing to the treasurer hereafter to be chosen by virtue of this act.

**Manner in which moneys raised.**

*And be it further enacted* That for the purpose of draining the said swamp and bog meadow the sum of five hundred dollars shall be paid by the proprietors thereof in proportion to the number of acres they shall respectively own and that will be benefited thereby as settled by said inspectors which sums shall be paid to Alsop Vail, Thomas Hellum and Joseph Ketcham commissioners to be by them applied in paying all incidental charges that shall arise in or about the business of draining the said swamps and bog meadow in such manner as they or any two of them may think proper, by cutting or causing to be cut one or more main ditch or ditches to begin at the outlet of said tract being about ten chains below the line of the north bounds of a tract of land belonging to William Wickham Esquire and to continue or extend as far northwardly as the said commissioners or any two of them shall think proper.

**When assessments to be paid.**

*And be it further enacted* That each proprietor shall within three months after the said inspectors shall have settled and determined the respective proportions of the said sum of five hundred dollars; pay the same to the said commissioners or either of them, and in default thereof it shall be lawful for the said Alsop Vail, Thomas Hellum and Joseph Ketcham or the survivors or survivor of them to recover the same by due course of law with interest and costs of suit.

**Annual tax for cleaning ditches.**

*And be it further enacted* That for defraying the expence of clearing and scouring such main ditch or ditches as shall be made by the directions of said commissioners for draining said swamp and bog meadow the proprietors thereof for the time being shall for every acre as settled by said inspectors pay three cents annually for ten years to be computed from the first day of January one thousand, eight hundred, and three, on or before the first day of May in every year, to the treasurer to be chosen annually by a majority of said proprietors who shall meet on the first Monday in January at the dwelling house of Alsop Vail one of the said proprietors, and in case any proprietor shall neglect to pay annually on or before the first day of May three cents for every acre

as settled as aforesaid, the treasurer or for the time being may sue for and recover the same before any justice of the peace with interest and costs of suit and the said treasurer shall apply the money or such part thereof as he may deem necessary in clearing and scouring said ditch or ditches and shall also render an account of the expenditure thereof to the said proprietors so met, and shall then deliver the monies (if any) together with the papers and accounts respecting the said swamps and bog meadow to the treasurer who may then be chosen to succeed him.

*And be it further enacted* That any proprietor who shall be desirous of having one or more line ditch or ditches made shall give at least thirty days notice of his intentions to the person or persons owning the swamps and bog meadow adjoining; and if after such notice any person or persons shall neglect or refuse to make one equal half part of such line ditch or ditches the person so giving notice may proceed to dig such ditch or ditches and may sue the other party or parties respectively for the one half of the expences thereof before any justice of the peace of the county and shall recover the same with interest and costs of suit. Line  
ditches.

*And be it further enacted* That all line ditches as aforesaid shall be cut four feet wide and two a half feet deep unless the parties shall otherwise determine and agree. Dimension  
of ditches.

*And be it further enacted* That the commissioners aforesaid are hereby authorised to agree and settle with the said William Wickham for such damage as is likely in their opinion to be sustained by the said William Wickham in consequence of the ditches they shall propose to make for draining said swamps and bog meadow and to pay such sum as shall be agreed on out of the said sum of five hundred dollars and if they do not agree as aforesaid, upon application by the said commissioners for that purpose, the judges of the court of common pleas of said county not interested in the premises or a majority of them are hereby authorised to appoint three respectable freeholders in said county not interested in said lands to appraise and ascertain what damages (if any) the said William Wickham may probably sustain by means of ditching and draining said lands. And if the said commissioners shall judge proper to pay such appraisement to the said William Wickham they may upon payment of the same proceed to cut or direct the cutting such ditch or ditches as the said commissioners may deem proper and necessary any law to the contrary in any wise notwithstanding. Damages  
to lands of  
William  
Wickham.

## CHAP. 18.

**AN ACT** to revive and amend the act entitled "An act for the relief of the inhabitants of the town of Easton."

PASSED the 7th of March, 1800.

**WHEREAS** it is represented to the legislature that the commissioners appointed in and by the aforesaid act, had not timely notice of the same to proceed to the execution of the trust reposed in them by the time in said act mentioned for that purpose: Therefore Preamble.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That the act entitled "An act for the relief of the inhabitants of the town of Easton" shall be and the same is hereby Act recited  
revived.

revived, and that the commissioners therein mentioned, shall meet on the first Tuesday of September next, or within thirty days thereafter, at the house of Ezekiel Ensign, in the town of Stillwater in the county of Saratoga, and then and there perform all the duties enjoined on them in and by the said act hereby revived and amended—

## CHAP. 19.

AN ACT to augment the funds of the trustees of Union College in the town of Schenectady.

PASSED the 7th of March, 1800.

Appropriation to Union College

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That the sum of ten thousand dollars be and the same is hereby given to the trustees of Union College in the town of Schenectady for the purpose of completing the college edifice which the said trustees have raised in the said town and of establishing an adequate and permanent fund for the support of such professorships as are or may be instituted in the said college.

Sum to be borrowed.

*And be it further enacted* That it shall be lawful for the said trustees to borrow the said sum of money on the credit of this State at an interest not exceeding seven per cent per annum and that the legislature will within ten years make provision for the re-payment of the money so to be borrowed together with the interest that shall have accrued thereon.

Land granted to college.

*And be it further enacted* That it shall be lawful for the said trustees on or before the first day of July next to make their election, by writing under their common seal, of ten of the lots reserved for promoting literature in this State in and by the act entitled "An act to appropriate the lands set apart to the use of the troops of the line of this State lately serving in the army of the United States and for other purposes therein mentioned" passed twenty eighth February one thousand seven hundred and eighty nine, and to file such election in the office of the secretary of this State. And it shall be the duty of the commissioners of the land office to direct letters patent to be prepared and granted to the said trustees and their successors for the lots of land so to be elected *provided however* that the monies to be derived from the sale of the lands hereby granted, in case they shall be sold, shall be invested in public or bank stock or put out on interest on real security and the revenue thereof shall for ever hereafter be appropriated to the support of the president and professors of the said college.

## CHAP. 20.

AN ACT to enable the mayor recorder and aldermen of the city of New York to order the raising monies by tax for the maintenance of the poor, and for defraying the other contingent expences arising in the city and county of New York, and for other purposes.

PASSED the 7th of March, 1800.

Tax levy for contingent charges.

*Be it enacted by the People of the State of New York represented in Senate and Assembly*, That the mayor recorder and aldermen of the city of New York as the supervisors of the city and county of New

York or the major part of them of whom the mayor or recorder shall be one, be and they are hereby authorized and empowered as soon as conveniently may be after the first day of May next, to order the raising a sum not exceeding seventy five thousand dollars by a tax on the estates real and personal of the freeholders and inhabitants within the said city and county of New York to be applied to the support and maintenance of the poor of the said city and county, the support and repairs of the bridewell, the support and maintenance of criminal prisoners in the same, the making repairing regulating and improving the public roads and streets, the defraying of other contingent expences arising within and properly chargeable to the said city and county and to make up the deficiencies upon former taxes arising from insolvents, and the fees of collection not heretofore provided for, and also a further sum not exceeding forty five thousand dollars by a tax on the estates real and personal of the freeholders and inhabitants within the said city to the southward of a line beginning at the outlet of the meadow of Anthony Lispenard into Hudsons river, thence extending to and along the north side of the dwelling house late of Nicholas Bayard deceased, thence along the middle of William street to and across the Bowery lane to Bullock street and thence along the middle of Bullock street to the East river to be applied to the payment of so many watchmen as the mayor aldermen and commonalty of the said city in common council convened shall from time to time determine to be necessary for guarding the said city, to the purchase of oil providing lamps, and repairing and attending those which now are and hereafter may be erected in the said city to the cleaning repairing and making the public wells and pumps in the said city and to defray the other contingent expences arising in and properly chargeable to that part of the said city which lies to the southward of the line aforesaid as the said mayor, aldermen and commonalty in common council convened may from time to time direct and for supplying the deficiencies of former taxes upon the same part of the said city owing to insolventcies and fees of collection as aforesaid —

Watchmen  
and street  
lighting.

*And be it further enacted,* That the said several sums of money shall be assessed and collected in the manner directed by the act entitled “An act for the assessment and collection of taxes,” and be collected in one payment and paid into the hands of the treasurer or chamberlain of the said city at such time after the said first day of May as the said mayor recorder and aldermen or the major part of them of whom the mayor or recorder shall be one shall direct or appoint, any thing in the second section of the act entitled an act for the more effectual collection of taxes in the city and county of New York to the contrary notwithstanding.

Manner in  
which to  
be assessed  
and col-  
lected.

*And be it further enacted,* That it shall be lawful for the collectors of the first, fourth, fifth and sixth wards of the said city to retain in their hands four cents on each dollar and for the collectors of the seventh ward to retain in their hands five cents on each dollar and the collectors of the several other wards of the said city to retain in their hands three cents on each dollar by them collected and no more for their trouble in collecting and paying to the treasurer or chamberlain of the said city such sums of money as shall be raised by virtue of this act: And that it shall be lawful for the said treasurer to retain in his hands seven mills for each dollar and no more for his trouble in receiving and paying out the said monies —

Fees of col-  
lectors and  
treasurer.

## CHAP. 21.

AN ACT to revive the laws for the support of the public hospital in the city of New York.

PASSED the 7th of March, 1800.

Acts re-  
vived con-  
tinued.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the act entitled "An act for the better support of the public hospital in the city of New York, and the twenty fifth section of the act entitled "An act for the payment of certain officers of government, and other contingent expences," made and passed the eleventh day of April, one thousand seven hundred and ninety six, shall be and hereby are revived and continued in force for the term of five years, to be computed from the first day of February last; and the treasurer shall pay to the governors of the hospital, the annual sum allowed them in quarter yearly payments.

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## CHAP. 22.

AN ACT respecting the clerkship of the circuit court and sittings in the city and county of New York.

PASSED the 7th of March, 1800.

Clerk of  
city of  
New York  
not to be  
clerk of  
certain  
courts.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That the clerk of the city of New York shall not hereafter ex officio be clerk of the circuit court within the city and county of New York; and that the clerks of the supreme court or either of them shall not ex officio be clerk of the sittings authorised to be held at the city hall of the city of New York, by the chief justice or other judges of the supreme court for the trial of issues, by the act entitled "An act concerning the supreme court" passed the twenty fourth day of January, in the year one thousand seven hundred and ninety seven.

Court  
clerkship  
to be sepa-  
rate office.

*And be it further enacted,* That the clerkship of the said circuit court and of the said sittings and courts of oyer and terminer and goal delivery within the city and county of New York, shall be united in, held and exercised, by the same person.

Appointed  
by gover-  
nor.

*And be it further enacted,* That the clerk of the said circuit court and of the sittings within the city and county of New York, shall be appointed by the person administering the government of this State, by and with the advice and consent of the council of appointment.

Fees.

*And be it further enacted,* That the said clerk for the time being shall be entitled to receive such fees and compensation for his services, as by law shall be allowed to the clerks of the circuit courts in the several counties of this State.

Clerks may  
practice in  
supreme  
court.

*And be it further enacted,* That nothing contained in any act or acts of the legislature shall be deemed or construed to prevent the said clerk of the said circuit court, and of the sittings, and the clerks of the circuit courts in this State to practice as attorneys and counselors in the supreme court.

**CHAP. 23.**

**AN ACT** to revive the act entitled "An act for prescribing the times places and manner of holding elections for senators to represent this State in the senate of the Congress of the United States of America.

PASSED the 14th of March, 1800.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the act entitled "An act for prescribing the times places and manner of holding elections for senators to represent this State in the senate of the Congress of the United States of America" be and the same is hereby revived and continued in force. Act recited revived.

**CHAP. 24.**

**AN ACT** to divide certain towns in the several counties of Oneida Orange Delaware and Cayuga.

PASSED the 14th of March, 1800.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That all that part of the town of Mexico in the county of Oneida known and distinguished by township number twelve in a tract or pattent of land commonly called Constables tract (which said township is bounded northerly by township number seven easterly by number thirteen westerly by number eleven and southerly by the north line of Scriba's pattent) so called, shall be and hereby is erected into a separate town by the name of Redfield, and that the first town meeting shall be holden at the dwelling house of Josiah Tryon in the said town. Redfield, town of, erected.

*And be it further enacted* That all that part of the said town of Mexico known and distinguished by townships number one two and three in a tract of land belonging to Henry Champion and others, which said townships are bounded northerly by the Black river westerly by Hungry bay so called southerly by townships number six, seven, eight, and nine, and easterly by township number four, all in the same tract, shall be and hereby is erected into a separate town by the name of Watertown that the first town meeting in said town shall be holden at the dwelling house occupied by Asher Miller. Watertown.

*And be it further enacted,* That all that part of the said town of Mexico distinguished by township number four and so much of township number five in the tract aforesaid as is situated westerly of Deer creek, so called, which parcels are bounded northerly by the said Black river, easterly by the said Deer creek, westerly by the said township number three and southerly by the said township number nine and township number ten in the same tract, shall be and hereby is erected into a separate town by the name of Champion and that the first town meeting in said town shall be holden at the dwelling house of Joel Mix. Champion.

*And be it further enacted,* That all that part of the said town of Mexico distinguished by township number eleven and so much of the

said township number five in the tract aforesaid as is situated easterly of the said Deer creek, which said parcels are bounded northeasterly by the said Black river, northwesterly by the said Deer creek and the said township number ten and southerly by townships number four and five in a tract of land belonging to William Constable and others, shall be and hereby is erected into a separate town by the name of Lowville, and the first town meeting in said town shall be holden at the house occupied by Silas Stow.

**Turin.**

*And be it further enacted* That all that part of the said town of Mexico, bounded as follows, to witt, beginning at the most northerly corner of a tract of twenty five thousand acres of lands belonging to Lemuel Storrs and others at a maple tree standing upon the bank of the said Black river thence running south thirty seven degrees and thirty minutes west along the northwesterly line of said tract to the northwesterly corner of Fondas pattenent so called, thence westerly along the southerly line of the said Constable tract till the same is intersected by the division line between the said township number twelve and township number thirteen in the same tract, thence northerly in the said division line and the division line between townships number seven and eight, two and three to the northerly extremety thereof, thence easterly along the northerly lines of township number three four and five to the said Black river, thence southeasterly up the waters thereof to the place of beginning shall be and hereby is erected into a separate town by the name of Turin and the first town meeting in said town shall be holden at the dwelling house of Jonathan Collins.

**Part of  
Floyd an-  
nexed to  
Rome.**

*And be it further enacted,* That all that part of the town of Floyd in said county southerly of the Mohawk river shall be and is hereby annexed to the town of Rome.

**Western.**

*And be it further enacted* That so much of the second section of the act entitled "An act to divide the town of Mexico in the county of Oneida passed March the fifteenth one thousand seven hundred and ninety nine as extended to or in any manner affected the town of Western in said county by annexing any part of the same to the town of Rome shall be and is hereby repealed.

**Goshen  
and War-  
wick  
boundary  
line.**

*And be it further enacted* That instead of the boundary line between the towns of Goshen and Warwick in the county of Orange established in and by the first section of an act entitled "An act for dividing this State into towns passed the seventh day of March one thousand seven hundred and eighty eight, the following shall be the division line between the said towns to witt by the creek commonly called Quakers creek from where it falls into the Walkill on the southwest-erly side of the Great Island in the drowned lands to the road leading across the grist mill dam of William Thompson Esquire thence along the southerly side of the said road running towards Sugar Loaf moun-tain to the northerly line of the plantation late of Samuel Rayner de-ceased and thence along said line easterly to the southwest corner of a large tract of land commonly called Rutger's tract and thence easterly along the south bounds of the said tract to the foot of the said Sugar Loaf mountain and thence an east course to the bounds of Bloomin-grove any thing in the said recited act to the contrary in any wise not-withstanding.

**Meredith.**

*And be it further enacted* That all that tract of country in the county of Delaware contained within the following bounds, to witt, beginning at a stake and stones near the dwelling house of Andrew Dibble standing in the line between the pattenents of Franklin and Goldsborough as also in the division line between the towns of Delhi

and Franklin near Elk creek so called thence in said town of Delhi south fifty eight degrees and fifteen minutes west seven miles and three rods to a stake and stones standing in the middle subdivision line of the pattent of Whitesborough thence along said middle line across the division line between the towns of Delhi and Franklin, north thirty one degrees and forty five minutes west five miles and fifty one rods and ten links to a small beech tree near the dwelling house of Joseph Brimhall, thence in the line between lots number fourteen fifteen, four and five of the said pattent of Whitesborough north fifty degrees and fifteen minutes east two miles one quarter and eight rods to a stake and stones. Thence continuing the same course into the town of Cortright seven miles and three rods to a certain point within said town bearing north thirty one degrees and forty five minutes west and distant fifty one rods and ten links from a stake and stones near a maple tree blazed and marked I. B. D. Z. H. and from thence in a line of marked trees south thirty one degrees and forty five minutes east five miles fifty one rods and sixteen links and from thence south fifty eight degrees and fifteen minutes west two miles one quarter and eight rods to the place of beginning shall be and hereby is erected into a separate town by the name of Meredith and the first town meeting in said town shall be held at the house of Samuel A. Law.

*And be it further enacted* That from and after the last day of March instant all that part of the town of Romulus in the county of Cayuga contained within the following bounds, to witt, beginning at the Seneca lake at the southwest corner of number thirty seven and northwest corner of lot forty three in the said township of Romulus from thence east between said lots number thirty seven and forty three, thirty eight and forty five, thirty nine and forty six, forty and forty seven to the west bounds of lot number forty two, then south to the northwest corner of lot number forty eight, then east to the west bounds of the reservation, then northwardly along said reservation line to the southwest corner of lot number fifty three of said reservation, then easterly between lots number fifty three and fifty eight, fifty four and fifty nine, fifty five and fifty six and sixty one of said reservation to the Cayuga lake then southwardly up the Cayuga lake to the north east corner of the town of Ovid thence west to the Seneca lake, thence northwardly along the Seneca lake to the place of beginning shall be and hereby is erected into a separate town by the name of Romulus and that the first town meeting be held at the house of John Sayre in said town.

*And be it further enacted* That the remaining part of the said town of Romulus be and remain a separate town by the name of Washington, and that the first town meeting be held at the house of Samuel Bear in said town.

*And be it further enacted* That the freeholders and inhabitants of said towns respectively are hereby impowered to hold town meetings and elect town officers and enjoy all and singular the rights and privileges which the freeholders and inhabitants of the other towns within this State may do by law —

*And be it further enacted,* That as soon as may be after the first Tuesday of April next the overseers of the poor and the supervisors of the said towns shall after due notice being given for that purpose by the supervisors of the said town meet together and apportion the money and poor belonging to said town of Romulus previous to the division in as equitable a manner as may be and in case the supervisors

Romulus.

Washington.

Term officers.

Division of the poor.



and overseers of the poor cannot agree in the division of the money and poor as aforesaid then the supervisors of the county of Cayuga at their annual meeting shall make such division of money and poor aforesaid as shall appear most equitable to the major part thereof.

Tioga.

*And be it further enacted* That from and after the last day of March instant all that part of the town of Union in the county of Tioga lying west of a line beginning at the northwest corner of lot number twenty three in the north tier of lots in the Massachusetts' ten townships so called, and running south to the northwest corner of lot number one hundred and thirty two in the great division of the said ten townships, thence south to the northeast corner of Coxes patent thence south to the

Lisle.

Pennsylvania line, shall be and hereby is erected into a separate town by the name of Tioga, and that the first town meeting be held at the house of Luke Bates in the said town. That all that part of the remaining part of the town of Union lying north of a line beginning at the before mentioned northwest corner lot number one hundred and thirty two and running east on the line of lots to the forks of the Chenango river shall be and hereby is erected into a separate town by the name of Lisle and the first town meeting be held at the school house standing near the second forks of the Chenango river in said town; that all the remaining part of the said town of Union shall be and remain a separate town by the name of Union and that the first town meeting in said town shall be held at the house of Nehemiah Spalding in said town.

Union.

Division of  
the poor.

*And be it further enacted* That as soon as may be after the first Tuesday of April next the supervisors and overseers of the poor of the towns aforesaid shall by notice to be given for that purpose by the supervisors thereof meet together and apportion the poor maintained by the said town of Union and the poor money belonging to the same previous to the division thereof in an equitable manner; and if the supervisors and overseers of the poor cannot agree upon such division of the poor and poor money as aforesaid, then and in such case the supervisors of the county of Tioga shall at their next meeting apportion and divide the poor maintained and the poor money as aforesaid in such manner as shall appear to them most just and equitable and the said towns shall thereafter respectively maintain their own poor.

Where no  
justice re-  
siding in  
the town.

*And be it further enacted* That in case there should be no justice of the peace duly qualified in any one or more of the said towns by this act erected to preside at the first town meeting then and in such case it shall be lawful for any justice of the peace in any other town in such county to preside at such town meeting and superintend the same any law of this State to the contrary in any wise notwithstanding.

When  
towns  
deemed  
erected.

*And be it further enacted* That from and after the last day of March instant the freeholders and inhabitants of the said several towns shall have exercise and enjoy all and singular the powers rights and privileges which the freeholders and inhabitants of other towns within this State by law have exercise and enjoy.

## CHAP. 25.

AN ACT making further provision for improving the navigation of the Hudson river between the city of Albany and the village of Waterford.

PASSED the 14th of March, 1800.

*Be it enacted by the People of the State of New York represented in Senat eand Assembly* That the commissioners appointed in and by the act entitled "An act to improve the navigation of Hudson river between the villages of Lansingburgh and Troy" or a majority of them shall and may as soon as convenient after the passing of this act by and with the advice and consent of the comptroller of this State (for the time being) under their hands and seals appoint three discreet persons citizens of this State to be managers for superintending, managing and drawing the lottery directed by this act, that the managers so to be appointed shall cause to be raised by lottery the sum of thirteen thousand dollars which lottery may be drawn in any part of this State where the managers may think proper.

Managers to be appointed for drawing a lottery.

*And be it further enacted* That the managers to be appointed as aforesaid shall before they enter upon the execution of the duties enjoined on them by this act enter into bond to the people of this State with such sureties as the comptroller of this State for the time being shall approve in the penal sum of ten thousand dollars each conditioned for the faithful and honest discharge of the duties required of them by this act, and for rendering a just account of all their proceedings at the next session of the legislature after the drawing of the said lottery.

Bonds of managers.

*And be it further enacted* That from time to time and as often as the said managers shall receive the sum of two thousand dollars from the sale of tickets they shall deposit the same in the Bank of New York or Albany for safe keeping and as soon as the lottery shall be drawn, the said managers (after deducting therefrom their reasonable expences for drawing and conducting the same) (to be audited and allowed by the comptroller of this State) shall pay four fifths parts of the neat proceeds of the said lottery to the commissioners appointed in and by the act entitled "An act to improve the navigation of Hudson river between the villages of Lansingburgh and Troy" for the purposes mentioned in the said act.

Deposit of moneys; disposition of proceeds.

*And be it further enacted* That Jacobus Van Schoonhoven Hezekiah Ketchum and Samuel Stewart be and they are hereby appointed commissioners with full power and authority to improve the navigation of the Hudsons river between the villages of Lansingburgh and Waterford.

Commissioners to improve navigation.

*And be it further enacted* That the said managers shall pay the remaining part of the neat proceeds of the said lottery to the said last mentioned commissioners to be by them applied for improving the navigation of the Hudsons river between the said villages of Lansingburgh and Waterford in such manner as they or a majority of them shall judge most conducive to the public good.

Remaining part of proceeds of lottery.

*And be it further enacted* That the said last mentioned commissioners shall before they enter upon the execution of the duties enjoined on them by this act severally give bond to the people of this State in the penal sum of two thousand dollars conditioned for the true and

Bond of commissioners.

faithful performance of the duties enjoined on them as commissioners under this act which bond shall be forthwith deposited with the comptroller of this State and it is hereby made the duty of the said commissioners annually to render a true and accurate account of all the monies by them received and expended, and of the state of the improvement of the navigation by them made to the comptroller of this State.

Power of managers of lottery.

*And be it further enacted* That the managers of the lottery directed by this act shall have full power and authority to adopt such scheme and to manage the said lottery in such manner as they or a majority of them shall think proper and that they may sell the tickets in any part of this State.

Commissioners to improve navigation between Troy and Albany.

*And be it further enacted* that Moses Vail, Ephraim Morgan and Albert Pawling be and they are hereby appointed commissioners with full power and authority to improve the navigation of the Hudsons river between the village of Troy and the city of Albany, who shall before they enter on the duties enjoined on them by this act severally give bonds to the people of this State in the penal sum of ten thousand dollars each, for the true and faithful performance of the duties enjoined on them by this act, which bonds shall forthwith be deposited with the comptroller of this State, and it is hereby made the duty of the said commissioners annually to render a true and accurate account of all monies by them received and expended, and of the state of the navigation herein by them directed to be improved to the comptroller of this State.

To appoint managers of lottery.

*And be it further enacted* That the said last mentioned commissioners or a majority of them shall and may by and with the advice and consent of the comptroller of this State for the time being appoint three discreet persons citizens of this State to be managers for superintending, managing and drawing of the lottery herein after mentioned, and that the said managers shall cause to be raised by lottery the sum of fifteen thousand dollars which lottery may be drawn in any part of this State where the managers may think proper.

Bonds to be given.

*And be it further enacted* That the said last mentioned managers shall before they enter upon the duties enjoined on them by this act, enter into a bond to the people of this State with such sureties as the comptroller of this State for the time being shall approve in the penal sum of two thousand dollars each, conditioned for the faithful and honest discharge of the duties required of them by this act and for rendering a just and true account of all their proceedings to the legislature at their next session after the drawing of the said lottery.

Deposit of moneys disposition of proceeds.

*And be it further enacted* That from time to time and as often as the said managers shall receive the sum of two thousand dollars from the sale of tickets they shall deposit the same in the Bank of New York or Albany for safe keeping and as soon as the said lottery shall be drawn the said managers after deducting therefrom their reasonable expences for drawing and conducting the same, to be audited and allowed by the comptroller of this State shall pay the neat proceeds of the said lottery to the last mentioned commissioners to be by them applied in improving the navigation of the Hudsons river between the village of Troy and the city of Albany in such manner as they or a majority of them may think proper and conducive to the public good.

Powers of managers.

*And be it further enacted* That the managers of the said last mentioned lottery shall have full power and authority to adopt such scheme and manage the said lottery in such manner as they or a majority of them shall think proper and that they may sell the tickets in

any part of this State *provided always* that the managers so to be appointed shall not sell or cause to be sold any of the tickets in the last mentioned lottery until the lotteries now allowed by law, and the lottery herein before mentioned be first drawn.

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## CHAP. 26.

AN ACT authorizing the mayor aldermen and commonalty of the city of Albany, to raise a sum by tax for defraying the expence of lighting the lamps, and for the support of a night watch in the said city.

PASSED the 14th of March, 1800.

WHEREAS the mayor aldermen and commonalty of the city of Albany have by their petition requested a law authorizing them to raise the sum of three thousand dollars for defraying the expence of lighting the lamps, and for the support of a night watch in the said city. Preamble.  
Therefore.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That it shall and may be lawful, to, and for the said mayor aldermen and commonalty in common council convened, as soon as conveniently may be after the passing of this act, to order the raising a sum, not exceeding three thousand dollars, by a tax on the estates real and personal of all and every of the freeholders and inhabitants within the said city, residing within half a mile westward of Hudsons river, to be applied to the payment of so many watchmen as the said mayor aldermen and commonalty, have employed, or shall think necessary to employ for guarding the said city for one year, and for defraying the expence for one year of lighting the lamps that now are, or within the period, aforesaid may be erected within the said city; which said sum shall be rated and assessed by the assessors, of the said city for the time being, and levied and collected in the manner, directed in and by the act entitled "An act for the assessment and collection of taxes," passed the first of April one thousand seven hundred and ninety nine; but that the tax shall be paid into the hands of the chamberlain of the said city for the time being to be applied and disposed of from time to time, in such manner for the purpose, hereinbefore mentioned as the said mayor aldermen and commonalty of the said city in common council convened shall direct and appoint. Tax levy for watchmen and street lighting.

*And be it further enacted,* That the chamberlain of the said city for the time being, shall publish, as soon as conveniently may be, a state of all monies received, and expended by virtue of this act, in one or more of the public news papers printed in the city of Albany. Publication of accounts.

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## CHAP. 27.

AN ACT to explain and amend an act entitled "An act more effectually to regulate the port of New York.

PASSED the 14th of March, 1800.

WHEREAS the mode directed for the recovery of the penalties inflicted by an act entitled, "An act more effectually to regulate the Preamble.

port of New York, has been found inconvenient, by reason that the harbour master is thereby precluded from being a witness in suits brought for the recovery of the said penalties; therefore,

How fines  
receivable.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That all fines incurred under the said act, shall be recovered with costs of suit, in the name of the treasurer of the hospital of the city of New York, for the time being.

*And whereas* some doubts have arisen on the said act, as to the extent of the authority of the harbour master, with respect to the removal and accommodation of vessels, as is therein mentioned; for removing which doubts.

Authority  
of harbor  
master.

*Be it further enacted,* That the said harbour-master shall have authority to remove all ships and vessels, according to the directions of the act above referred to; and that as to the fact of their being fairly and bona fide employed in receiving or discharging their cargoes, the said harbour master is hereby constituted the sole judge.

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## CHAP. 28.

**AN ACT** for establishing and regulating a ferry across the Hudson river between the counties of Westchester and Rockland.

PASSED the 19th of March, 1800.

Ferry au-  
thorized  
between  
Peekskill  
and Haver-  
straw.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That it shall and may be lawful for Joseph Travis of the town of Cortlandt in the county of Westchester and Joshua Colwill of the town of Haverstraw in the county of Rockland, and their assigns, to set up, keep and maintain a ferry across the Hudsons river from the landing of the said Joseph Travis, at Pecks-kill in the said town of Cortlandt to the landing of the said Joshua Colwill in the said town of Haverstraw, and from the said landing of the said Joshua Colwill to the said landing of the said Joseph Travis, for and during the term of twenty one years, to be computed from the first day of August next.

Docks;  
rate of  
ferriage.

*And be it further enacted* That the said Joseph Travis and Joshua Colwill and their assigns shall, if they shall set up a ferry by virtue of this act, erect a convenient dock or landing place, if not already erected, on such part of the lands of the said Joseph Travis at or near his dock in Pecks-kill aforesaid, and on such parts of the lands of the said Joshua Colwill at or near his dock in Haverstraw aforesaid, as shall be most suitable for the purpose, and shall each of them during the term aforesaid, keep, support and maintain a sufficient ferry boat, capable of conveying six horses each, and ready at all reasonable times and seasons, to carry and transport the persons and articles following, and at the rates following, this is to say, from the dock and landing of the said Joseph Travis at Pecks-kill aforesaid, to the dock and landing of the said Joshua Colwill in Haverstraw aforesaid, or from the said dock and landing of the said Joshua Colwill to the said dock and landing of the said Joseph Travis; for each man and horse, fifty cents; for a foot passenger, if one only, thirty two cents; if more than one, then each person, twenty five cents; for a horse and chair with travellers seventy five cents; for every head of neat cattle, twenty five cents; for every sheep calf or hog seven cents; for a waggon or other four wheeled car-

riage with two horses and travellers, one hundred and twenty five cents; for a sled with two horses and travellers one hundred and twelve and an half cents; for a sled and one horse with travellers seventy five cents and so in proportion for other articles.

*And be it further enacted*, That if the above named Joseph Travis or Joshua Colwill or their assigns, or any ferryman or person employed by them or either of them, shall take exact or receive any greater or higher rates for transporting persons goods and chattels or other things whatsoever, than are herein before limited and established, he or they, or any of them so offending, shall forfeit and pay for every such offence the sum of two dollars and fifty cents, to be recovered in any court within this State having cognizance thereof by any person who shall sue for the same.

Penalty for exacting excessive ferriage.

*And be it further enacted* That if any person or persons shall, after the said first day of August next, set up, keep or maintain a ferry, or shall carry or transport any person, goods or chattels for hire or pay across the Hudsons river between the north part of Verplancks point and the north line of the county of Westchester, and between the north part in the county of Rockland, of a line west from the place called Kings ferry and the north line of the said county of Rockland, other than the said Joseph Travis and Joshua Colwill and their assigns, such person or persons shall for every such offence forfeit and pay the sum of five dollars, to be recovered in any court within this State having cognizance thereof, by any person who shall sue for the same. *Provided always* that nothing herein before contained shall be construed to exclude any person or persons living or inhabiting on the said Hudsons river within the limits aforesaid from the right of carrying and transporting themselves and their goods and chattles respectively in their own boats without paying any rate of ferriage.

Penalty for other person setting up a ferry within limits named.

*And be it further enacted* That if it shall appear upon sufficient evidence to the court of common pleas of the county of Westchester or of the county of Rockland that the said Joseph Travis or Joshua Colwill or their assigns, shall wilfully neglect to comply with the directions of this act in keeping the ferry aforesaid, it shall and may be lawful for either of the said courts to adjudge, that all the privileges granted to them under this act shall cease and be of no effect.

Court may annul privilege.

## CHAP. 29.

### AN ACT for the relief of John M. Mason and others.

PASSED the 19th of March, 1800.

WHEREAS it appears to the legislature by the petition of Mathew Duncan, John M. Mason and Margaretta Mason, that the devisees of the Reverend Doctor John Mason late of the city of New York, deceased, being severally of lawful age, did on the seventh day of May in the year one thousand seven hundred and ninety eight, make and agree to the following disposal and partition of the following lands whereof the said John Mason died seized, to wit, that the said John M. Mason should be empowered to sell for the benefit of the said devisees, and to convey by a good and sufficient deed or deeds, one hundred acres surveyed in a square on the southeast corner of lot number sixteen in the township of Fayette and one other hundred acres ad-

Preamble.

joining the former in a square on the northeast corner of lot number eighteen also in the said township, and for which two hundred acres, articles of agreement had been entered into by the said John M. Mason with the purchasers thereof; that the remainder of these two lots should be divided into three equal parts by lines parrallel to the northern boundary of lot number sixteen, to be distinguished as follows, the most northerly third part to be called number one, the middle third part number two, and the southerly third part number three; that lot number seventy one in the township of Cicero should be divided into three equal parts by lines run parrallel with the northern boundary thereof and be distinguished in the very same manner as lots number sixteen and eighteen in the township of Fayette; that of the lands aforesaid lot number fifty five of the township of Marcellus, and lot number one of the subdivision of lot number seventy one in the township of Cicero, and lots number one of the subdivision of lots number sixteen and eighteen in the township of Fayette should be released to Helena Duncan, wife of the said Mathew Duncan, as her full third part of the said lands; that lot number fifty five in the township of Aurelius, lot number two of the subdivision of lot number seventy one in the township of Cicero, and lots number two in the subdivision of lots number sixteen and eighteen in the township of Fayette should be released to the said John M. Mason as his full third part of the said lands; and that lot number ninety-six in the township of Camillus; lot number three in the subdivision of lot number seventy one in the township of Cicero, and lots number three of the subdivision of lots number sixteen and eighteen of the township of Fayette, should be released to the said Margaretta Mason as her full third part of the said lands; and that before the necessary releases could be interchanged, Helena Duncan the wife of the said Mathew Duncan and one of the devisees of the said John Mason died, leaving two infants, vizt, John Mason Duncan and David Telfair Duncan, and that in consequence thereof, the petitioners as well as the said infants labour under great inconveniences, and have prayed that the disposal and division of the said lands so as aforesaid agreed to by them may be confirmed by law. Therefore

Partition  
of lands  
confirmed.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the said disposal and division of the lands as aforesaid shall be deemed and construed to have been effectually and definitely made to every intent and purpose on the said seventh day of May in the year aforesaid.

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## CHAP. 30.

**AN ACT** to authorise the trustees of the Presbyterian church and congregation of the town of Salem to sell and dispose of certain lands for the benefit of the said church and congregation.

PASSED the 19th of March, 1800.

Preamble.

**WHEREAS** the trustees and society of the Presbyterian church and congregation of the town of Salem in the county of Westchester have by their petition to the legislature prayed for leave to sell for the benefit of the said church and congregation certain lands belonging to the said church and congregation in the town of Salem aforesaid: Therefore

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That full power, good right, and lawful authority shall be and hereby is granted to the trustees of the said church and congregation to sell and alien in fee all right and title belonging to the said church and congregation or vested in them as trustees of and in all such lands situate lying and being in the town of New Salem in Westchester county, as they from time to time may deem necessary for the purpose of procuring other lands on which a parsonage house may be more conveniently erected and for erecting the same; *provided always* that the lands so to be sold by virtue of this act shall not exceed the quantity of fifty acres.

Trustees  
authorized  
to make  
convey-  
ance.

## CHAP. 31.

AN ACT for the relief of William Lighthall and Thomas Tredwell Jackson.

PASSED the 19th of March, 1800.

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That it shall and may be lawful for the commissioners of the land office, and they are hereby authorized and required to grant letters patent to William Lighthall late a lieutenant in the army of the United States and returned as one of the quota of this State for the like quantity of unappropriated lands in the tract set apart for the use of the line of this State serving in the army of the United States and in the same manner as has been granted to the officers of the rank of lieutenant serving in the line of this State.

Grant of  
lands to  
William  
Lighthall.

*And be it further enacted,* That it shall and may be lawful for the commissioners of the land office, and they are hereby authorized and required to grant letters patent to Thomas Tredwell Jackson late a lieutenant in the army of the United States and returned as one of the quota of this State for the like quantity of unappropriated lands in the tract set apart for the use of the line of this State, serving in the army of the United States, and in the same manner as has been granted to the officers of the rank of lieutenant serving in the line of this State.

Id., to  
Thomas  
Tredwell  
Jackson.

## CHAP. 32.

AN ACT granting certain lands to Sarah McGinnis and Rachel Walmsley,

PASSED the 19th of March, 1800.

*Be it enacted by the People of the State of New York represented in Senate and Assembly* that the surveyor general shall be and he is hereby authorized and required to execute unto Sarah McGinnis and Rachel Walmsley their heirs and assigns for ever a conveyance of all the right title interest property, claim and demand of the people of this State of, in, and to all and singular lots number sixty and sixty two in Ban-  
yar and Wallaces patent on the Susquehanna river, containing three

Grant of  
lands to  
Sarah Mc-  
Ginnis and  
Rachel  
Walmsley.



hundred acres more or less now vested in the people of this State by the attainder or Robert McGinnis deceased. *Provided nevertheless* that the said Sarah and Rachel shall first produce and deliver to the surveyor general a certificate from the treasurer of this State, specifying that he has received of said Sarah and Rachel the sum of twenty five cents an acre for the same.

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## CHAP. 33.

AN ACT for the relief of Isaac Sebring executor of the last will and testament of Cornelius Sebring deceased, and of James Beeckman, executor of the last will and testament of Gerard W. Beeckman deceased.

PASSED the 19th of March, 1800.

**Preamble.** WHEREAS the committee of association in the city of New York, in the month of May in the year one thousand seven hundred and seventy five, caused all the cannon then in the city of New York, belonging to private persons, to be removed to Kingsbridge, part of which cannon were afterwards, by order of the convention of the State, or a committee thereof, delivered to certain persons in the State of Connecticut for the use of that State, and have been charged to and paid for by that State, and the residue were applied to the use of the United States and charged to them in their account with this State.

**Appropriation to Isaac Sebring.** *Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That it shall and may be lawful for the comptroller of this State to draw his warrant on the treasurer thereof in favor of Isaac Sebring executor of the last will and testament of Cornelius Sebring late of the city of New York deceased, whose cannon were taken as aforesaid and have not been paid for, the sum of six hundred and fifty dollars, and which warrant the treasurer is hereby directed to pay out of any monies in the treasury not otherwise appropriated.

**Id., to James Beeckman.** *And be it further enacted* That it shall and may be lawful for the comptroller of this State to draw his warrant on the treasurer of the same in favor of James Beeckman executor of the last will and testament of Gerard W. Beeckman late of the city of New York deceased, whose cannon were taken as aforesaid, and have not been paid for, the sum of three hundred and twelve dollars and fifty cents, and which warrant the treasurer is hereby directed to pay out of any monies in the treasury, not otherwise appropriated.

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## CHAP. 34.

AN ACT for the relief of Sarah Scudder.

PASSED the 19th of March, 1800.

**Appropriation to Sarah Scudder.** *Be it enacted by the People of the State of New York represented in Senate and Assembly* that the comptroller shall be and hereby is authorized and required to issue his warrant upon the treasurer of this State in favor of Sarah Scudder the wife of Joseph Crane deceased for the sum of two hundred and five dollars as a full compensation for all claims upon this State.

## CHAP. 35.

**AN ACT** to alter the time for election of charter-officers in the city of New York; to lengthen the terms of the court of common pleas; to give additional power to the special justices for preserving the peace in the city and county of New York; to reduce several laws relating particularly to the said city and county into one act, and for other purposes.

PASSED the 21st of March, 1800.

**WHEREAS** the mayor, aldermen and commonalty of the said city, Preamble.  
in common council convened, have by petition under their common seal, represented to the legislature, that the inhabitants of the said city have experienced great inconveniences by reason that the election of charter officers in the said city is to be held on the twenty ninth day of September in every year; and that from the great increase of the inhabitants and trade of the said city, and the consequent number of law suits the, the terms of the court of common pleas, called the mayor's court, are become too short for the dispatch of the public business therein; that the powers vested in the special justices for preserving the peace in the city and county of New York should be enlarged in certain respects; that the common council of the said city should have power to order the meetings of the courts of justice in and for the said city and county, and such meetings of the common council and magistrates of the said city and county, as are now by law specially directed to be held in the city hall of the said city, to be held at such other place or places in the said city as in their judgment should be most convenient and proper, whenever by reason of any great emergency it shall to them appear necessary; and that it would be useful that several statutes of the State making alterations in the charter of the said city upon the petition of the said common council, should be incorporated into one statute. *And whereas* the said mayor, aldermen and commonalty have in and by their said petition prayed that the legislature would make such provision in the premises as might remove the said inconvenience, and effect the several useful purposes aforesaid, therefore,

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That all officers to be chosen in and for the said city by virtue of the charter thereof, shall be chosen on the third Tuesday of November, in every year for ever hereafter, and not upon the twenty ninth day of September in such year, and shall be sworn into, and commence the duties of their respective offices on the first Monday in December next after such election; and that the officers of the said city who have been chosen and sworn into their respective offices at the last annual days for those purposes, or at any time since, or who may be elected and sworn into office before the third Tuesday of November next, shall continue in their respective offices until the first Monday in December next and until another or others shall be elected and sworn in their places respectively. Date of  
charter  
election.

*And be it further enacted,* That the mayor, aldermen and commonalty of the said city, in common council convened, shall and may, on such day in the month of November in every year as to them shall seem meet, at least eight days before the annual day of election Polling  
places;  
inspectors.

- above established, fix upon a proper place in each of the wards of the said city, where such election shall be held and nominate and appoint a fit and discreet person for each of the said wards, being a resident in such ward, and a freeholder there or a freeman of the said city, to preside at and be the inspector or returning officer at every election for officers in such ward during the year then next ensuing. *And further*, that in case any of the said inspectors shall die, remove out of the said city, refuse to serve, or be rendered incapable of attending any of the said elections before or on the day on which the same is to be held, that it shall and may be lawful for the mayor, aldermen and commonalty, in common council convened, in every such case to appoint another such person as aforesaid, to be an inspector of said election in the room and stead of the person before appointed. *And further*
- Vacancies.** that each of the said inspectors shall appoint a proper person to act as clerk at each election to be held in the ward for which he shall be so appointed inspector of elections, and shall, before he proceeds to any such election, tender and administer to such clerk the oath following, to wit: "I do solemnly and sincerely swear and declare, in the presence of Almighty God, that I will truly and impartially execute the trust reposed in me as clerk of this election." And that the said clerk shall, upon every such election, in the presence of the said inspector, and in a poll book to be provided for that purpose, set down the name of each voter, and that of the person for whom he shall vote, and whether he votes as a freeholder or freeman; which said poll book shall, upon the closing of the poll at every such election, be subscribed with the proper name and handwriting of such inspector, and be by him delivered to the clerk of the said city, or his deputy. *And further*, that every such clerk of election shall be allowed for each election, the sum of two dollars, to be paid by the said mayor, aldermen and commonalty.
- Poll clerks.**
- Compensation.**
- Vacancies in office.** *And be it further enacted*, That if any of the aldermen, or other officers of the said city, chosen as aforesaid, shall refuse to serve, or die, or remove out of the said city before the expiration of the time for which he was chosen to serve in any such office, or shall not be legally qualified to serve in such office, then and in every such case, such office shall be deemed to be vacant; and the said mayor, aldermen and commonalty, in common council convened, shall and may order an election to be held to fill every such vacancy, and appoint a place in the ward for which such election is to be held, and a time not less than five days after the making of such appointment for holding such election, and shall forthwith give notice thereof to the inspector of the ward in which such vacancy shall happen, and the said inspectors shall thereupon forthwith cause the same to be published by advertisements put up in at least three of the most public places in such ward.
- Refusal of inspector to serve.** *And be it further enacted*, That if any person who shall be appointed an inspector as aforesaid, shall neglect or refuse to execute the said office, he shall forfeit for ever such offence the sum of fifty dollars, to be levied, to the use of the said mayor, aldermen and commonalty, by warrant under the seal of the said city, signed by the mayor or recorder for the time being.
- When no inspector attends.** *And be it further enacted*, That in case the said mayor, aldermen and commonalty shall in any instance neglect to appoint an inspector for any of the said elections, or such inspector shall not attend or do the duty of his office, then and in every such case, such election shall be had and made in the manner directed by the charter of the said

city, this statute, or any other law or statute to the contrary in any wise notwithstanding.

*And be it further enacted,* That no person shall vote as a freeholder at any of the said elections unless he shall be possessed of a freehold estate, in lands or tenements in his own right or that of his wife, to the value of fifty dollars over and above all debts charged thereon, within the ward where he shall vote, and shall have possessed the same (except it came to him by descent or devise) at least one month before the day of such election; *and further,* that no person shall vote as a freeman of the said city, at any of the said elections, unless he shall have been admitted to the freedom of the said city at least three months, and have actually resided in the ward for which he shall so vote, at least for one month before the day of such election; *and further,* that every person offering to vote as a freeholder at any such election, shall, before he be admitted to vote, take the following oath, if required so to do by the inspector of such election, that is to say: "I do solemnly and sincerely swear and declare, that I am a freeholder, and that I hold my estate by descent or devise (if such shall be the case or if he shall not so hold, then) and that I have been so for one month next preceding this election, and possessed in my own right (or in my wife's right, as the case may be) of a freehold of the value of fifty dollars in the ward in which I now offer to vote; that I do not hold the same in trust for any body politic or corporate, or for any pious or religious whatsoever; that I have not before been polled at this election, by virtue of the said freehold, and that I have not procured the said freehold under any obligation or promise to convey the same to any other person after this election." And in like manner every person offering to vote as a freeman of the said city, at any such election, shall if required so to do by the said inspector, take the following oath before he shall be admitted to vote at such election, that is to say: "I do solemnly and sincerely swear and declare in the presence of Almighty God, that I am, and have been for three months last past a freeman of the city of New York, and have actually resided in the ward in which I now offer to vote for one month last past, and that I have not been before polled at this election."

Who may  
vote;  
oaths..

*And be it further enacted,* That if any person offering to vote as a freeholder or freeman as aforesaid, shall refuse to take the oath above prescribed to be by him taken, when thereunto required by the inspector as aforesaid, his vote shall be rejected and disallowed, any charter, law, usage or custom to the contrary notwithstanding.

Vote re-  
jected on  
refusal to  
take oath.

*And be it further enacted,* That every mortgagor or mortgagee when in possession of the mortgaged premises, and not otherwise, shall be deemed a freeholder within the meaning of this act; and that no person holding lands, tenements or hereditaments in trust for any body politic or corporate, or for any religious or pious use or purpose, shall thereby acquire or possess a right to vote, nor shall any person under the age of twenty-one years be qualified to vote at any such election.

Who  
deemed  
free-  
holders.

*And be it further enacted,* That it shall and may be lawful for every person hereafter appointed mayor of the said city, at any time within twenty days after such appointment, to take the oaths prescribed by the charter of the said city to be taken by such mayor, before such person or persons as may be appointed by commissioner, under the great seal of this State, in the nature of a *dedimus potestatem* to administer the oaths required to be taken by persons holding offices under this State in the said city, instead of taking the said oaths in the

Before  
whom oath  
of office of  
mayor may  
be taken.

presence of three or more of the aldermen of the said city, any thing in the said charter to the contrary notwithstanding.

Mayor's  
court.

*And be it further enacted,* That the mayor and recorder of the said city for the time being, or either of them, shall have power to hold the court of common pleas called the mayor's court, of and in the said city without the presence of any of the aldermen thereof any law, charter, custom or usage to the contrary notwithstanding; but nothing herein contained shall be construed to prevent any of the aldermen of the said city from sitting as judges in the said court.

How  
process  
worded.

*And be it further enacted,* That in the records, process and proceedings of the same court of common pleas, the words "judges of the same court" shall be inserted instead of the words "mayor, recorder and aldermen of the city of New York;" and all writs and process issuing out of or returnable into the same court, shall be made returnable before the judges of the same court; and all writs directed to the same court shall be directed to the judges of the court of common pleas called the mayor's court, in and for the city of New York.

Terms.

*And be it further enacted,* That the terms of the said court of common pleas shall be and hereby are lengthened and extended to five days. *Provided,* that the said court may if they see fit adjourn to the next term, at any time before the end of the said five days, and that the process issuing out of the said court may be tested on any day that the said court continued to sit—

Jurisdic-  
tion.

*And be it further enacted,* That the said court shall be and is authorised and empowered to hear, try and determine, according to law, all actions, real, personal, and mixed; suits, quarrels, controversies and differences arising within the said city and county, and all transitory actions and suits, although the same may not have arisen within the said city and county; and is hereby authorised to grant new trials in all cases where they shall find it necessary or proper. *Provided* that no new trial shall be granted otherwise than for irregularity, unless one of the judges present and concurring, shall be of the degree of counsellor at law in the supreme court of this State.

General  
and special  
sessions.

*And be it further enacted,* That the mayor, recorder and aldermen of the said city, or any three of them of whom the mayor or recorder always shall be one, shall have power to hold courts of general or special sessions of the peace in the said city and county, any law or usage to the contrary notwithstanding.

Terms.

*And further* That such courts of general sessions shall be held on the first Tuesdays in June, August, October, December February and April in every year, and at no other times; and may continue and be held every day (Sunday excepted) until the several Tuesdays next following inclusive; any charter, law, usage or custom, to the contrary notwithstanding. And such courts of special sessions may be held at any times that the said mayor, aldermen and commonalty, in common council convened, may direct, and may continue to sit as many days (Sundays excepted) as the said court shall think proper for the dispatch of public business, and either with or without a grand jury, as the said mayor, aldermen and commonalty convened as aforesaid, shall direct; and shall possess the same powers and jurisdiction in every respect, as the said courts of general sessions of the peace. And if the supreme court of judicature of this State, or any court of oyer and terminer or gaol delivery, shall at any time be held in the said city during the continuance of the said courts of sessions, or any of them, it shall nevertheless be lawful for the said courts of sessions, by the oath of good and lawful men, to enquire of, hear and determine, all

felonies and offences committed in the said city and county, in the same manner as if the said supreme court, or court of oyer and terminer, or of gaol delivery, were not then held in the said city and county, any law, usage or custom to the contrary notwithstanding—

*And be it further enacted,* That the special justices for preserving the peace in the city of New York, and each of them, shall and may, by virtue of the said office, have and exercise the like powers and authorities as are possessed, or may be lawfully exercised out of the sessions by the aldermen of the said city, in relation to all cases of bastardy, and to all cases respecting apprentices, servants, and vagrants or vagabonds, arising within the said city and county, and shall also have power to take recognizances of special bail, and to administer oaths in causes depending in the said court of common pleas, and to take affidavits to be read in the same court, and shall be entitled thereupon to the like fees as the said aldermen respectively would be entitled to receive.

Special  
Justices.

*And be it further enacted,* That it shall and may be lawful for the said mayor, aldermen and commonalty in common council convened, whenever by reason of great sickness in the said city, or for any other important cause, they shall judge it necessary, to order the courts of justice of the said city (except the court held under the act concerning the recovery of debts & demands to the value of ten pounds) and the meetings of the common council, and of the magistrates, and all other meetings and public business which by law ought to be held in or transacted at the city hall of the said city, to be held, transacted and done at such other place or places in the said city as they in their discretion shall deem proper and convenient; and thereupon all writs and processes made returnable in any of the said courts at the said city hall shall be returned at the place assigned for the meeting of such court; and all persons who by law ought to attend such court, common council or meeting, or to transact such business at the said city hall shall in like manner and instead thereof be bound to attend in or transact the same in such place or places so to be assigned as aforesaid.

When  
courts and  
common  
council  
may meet  
at places  
other than  
city hall.

*And be it further enacted,* That all former acts or parts of acts heretofore passed by the legislature of this State, as come within the purview of this act shall be and the same are hereby repealed.

Repealing  
clause.

*And be it further enacted,* That the said mayor, aldermen and commonalty shall be and they are hereby authorized to appoint as many weigh masters for the said city, as they may from time to time think necessary, and the same to displace and appoint others in their stead, whenever they may think proper; and also to fix and alter the compensation such weigh master shall receive for weighing; and all such weigh masters by them so appointed, shall before exercising the duties relative to their office, take and subscribe the following oath or affirmation before the mayor or recorder of the said city, vizt. "I do solemnly and sincerely swear (or affirm as the case may be) that I will faithfully and honestly to the best of my skill and understanding, perform the duties of a weigh master in the city of New York."

Weigh  
masters.

## CHAP. 36.

AN ACT concerning certain debts and demands in the city of New York, and to amend an act entitled "An act concerning the recovery of debts and demands, to the value of ten pounds, in the city of New York."

PASSED the 21st of March, 1800.

Jurisdiction extended to civil actions arising in merchant service.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That the court constituted in the city of New York, under and by virtue of the act of the legislature of this State, entitled "An act concerning the recovery of debts and demands to the value of ten pounds in the city of New York," passed the sixteenth day of February, A. D. one thousand seven hundred and ninety seven, shall have cognizance of, and power to hear and determine all actions to be brought by seamen or mariners against the owner or owners, master or commander of any ship or vessel in the merchant service for wages, or compensation for services, on board of any such ship or vessel, during any voyage performed, or in part performed, by such ship or vessel while such person was on board such ship or vessel, in the capacity of seamen or mariner, notwithstanding such wages or compensation shall exceed twenty five dollars, and the said court shall also have cognizance of and power to hear and determine all actions to be brought by any owner, or owners, master or commander of any ship or vessel in the merchant service, against any seaman or mariner, for or by reason of the non-performance of any contract made by such seaman or mariner, with such owner or owners, master or commander of any such ship or vessel, for services to be performed by him as a seaman or mariner on board such ship or vessel, for any voyage performed wholly or in part, or intended to be performed, notwithstanding the damages sustained, or sum of money demanded, by reason of the nonperformance of such contract, shall exceed twenty five dollars: Provided always,

Not to have power of court of admiralty. Actions for assault, etc., occurring on merchant ships.

*And be it further enacted,* That nothing herein contained shall be construed to give the said court power to proceed in any of the matters aforesaid, as a court of admiralty or maritime jurisdiction.

*And be it further enacted,* That the said court shall also have cognizance of, and power to, hear and determine all actions of assault and battery, and false imprisonment, or any or either of them committed or inflicted by any master or commander of any ship or vessel in the merchant service, upon any officer, seaman or mariner, or other person on board of or belonging to such ship or vessel, upon the high seas or in any foreign port or place, where such ship or vessel may then be, of which the ordinary courts of common law of this State now have cognizance; and of all actions of assault and battery, and false imprisonment, or any or either of them committed or inflicted by any officer of any ship or vessel in the merchant service, upon any seaman or mariner, or other person on board of or belonging to such ship or vessel, or by any seaman or mariner, or other person on board of or belonging to such ship or vessel, upon the master, commander or other officer thereof or by one seaman or mariner, or other person on board of or belonging to such ship or vessel, upon another seaman or mariner, or other person on board of or belonging to such ship or vessel, upon the high seas or in any foreign port or place, where such ship or

vessel may then be, of which the ordinary courts of common law of this State now have cognizance, notwithstanding the damages sustained or claimed by reason thereof shall exceed twenty five dollars.

*And be it further enacted,* That in every action prosecuted in the said court, under and by virtue of this act, the parties shall be entitled to a trial by jury in the same manner and under the like regulations as is by the said herein before recited act directed, with this difference only, that if the sum or damages demanded or claimed shall exceed twenty five dollars, it shall be in the election of either party to have it tried by a jury of twelve men, and for that purpose the officer shall, by virtue of the process, summon twenty men to serve as jurors; and that the officer may be apprised when he shall summon twenty jurors as aforesaid, there shall be an indorsement on the process, specifying that the damages claimed exceed twenty five dollars.

Jury of  
twelve  
men.

*And be it further enacted,* That the clerk of the said court shall have power, and he is hereby directed with the approbation and under the direction of the said court, so far as the provisions in this act may make it necessary, to vary the forms of the process to be issued from the said court, so as to make them specify with legal accuracy the nature of the action, and the amount of damages claimed or recovered, as the case may require.

Forms of  
process.

*And be it further enacted,* That if any person or persons shall prosecute, any action in the supreme court of this State, or in the mayor's court of the city of New York, and it shall appear to the court wherein such action shall be prosecuted, at the trial thereof, that the same is within the provisions of this act, the plaintiff or plaintiffs shall not be entitled to recover cost, but shall pay costs of suit to the defendant or defendants, in such case to be taxed, unless such plaintiff or plaintiffs shall recover at least one hundred dollars, exclusive of costs.

Costs in  
actions in  
supreme  
court.

*And be it further enacted,* That it shall and may be lawful when any defendant is taken on any warrant issued out of the said court, and the justices of the said court shall not be then sitting, for the constable, or marshal or other officer having such warrant, to bring the defendant before the clerk of the said court, who shall thereupon take sufficient security for the appearance of such defendant at the next court day, and in case such defendant shall refuse to give security for his or her appearance at the then next court day, to the satisfaction of the said clerk, that then it shall and may be lawful for the constable or marshal having such warrant thereupon to take such defendant to the gaol in the city and county of New York, and there to deliver him or her to the custody of the keeper of such gaol, who is hereby required to receive such defendant and to keep him or her in safe custody in the said gaol until the next court day, when the constable or marshal having such warrant shall bring such defendant before the said court, and the keeper of the said gaol shall be entitled to receive of the said defendant so committed to his custody, twenty five cents and no more; *provided,* that the said keeper shall not keep such defendant in his custody upon such warrant for a longer time than forty-eight hours, and if the constable or marshal having such warrant or some other constable or marshal who may be directed by the said court in writing shall neglect to receive such defendant from the said keeper of the said gaol within forty eight hours, so as to bring him before the said court, that then the said keeper may discharge such defendant from his custody.

Arrest of  
defendant.



Confession  
of judg-  
ment.

*And be it further enacted* That it shall and may be lawful in any suit for any one of the justices of the said court, without the presence of another of the said justices, to receive the confession of the defendant or defendants of the action of the plaintiff and of the debt and damages or sum of money due to the plaintiff and to give judgment for the amount of the debt and damages or sum of money so confessed, and grant execution therefor in like manner as if any two of them were present.

Adjourn-  
ment of  
court to  
place other  
than city  
hall.

*And be it further enacted*, That it shall and may be lawful for the justices of the said court or a major part of them, in case of any public calamity or imminent danger thereof to adjourn the session of the said court from the city hall of the said city, to some other fit and convenient place within the city and county of New York, and there to hold the said court during such time as to the said justices, or a major part of them, may appear necessary; and that all processes of the said court, in case of such adjournment, shall and may be made returnable, and all persons shall be bound to appear at such place appointed by the said justices, or a major part of them, in like manner as if, the said court were held at the city hall of the said city.

Affidavits  
and depo-  
sitions.

*And be it further enacted*, That each of the said justices of the said court shall have power to take affidavits and depositions, to be read and used in the supreme court of judicature of this State, according to the rules and practice of the said court, which shall have the same force and effect as if taken before any judge of the said court, or any commissioner empowered by law to take such affidavit, and shall be entitled to such fees therefor as are allowed by law for such services.

Additional  
fees

*And be it further enacted*, That in addition to the fees allowed to the justices of the said court by the said before recited act, the following fees shall be allowed to the said justices: That is to say.

For every summons or warrant, twelve cents.

For administering an oath in court, six cents.

For entering every adjournment in a cause, at the request of the plaintiff or defendant, twelve cents.

How act  
construed.

*And be it further enacted*, That this act shall be adjudged, deemed and taken to be a public act.

## CHAP. 37.

### AN ACT concerning the mayor's court of the city of Albany.

PASSED the 21st of March, 1800.

Mayor's  
court;  
presence  
of alder-  
men not  
required.

*Be it enacted by the People of the State of New York represented in Senate and Assembly*, That the mayor or recorder of the city of Albany for the time being shall from time to time and at all times hereafter, have power to hold the court of common pleas called the mayors court, of and in the said city, without the presence of any of the aldermen of the said city, any law, charter, custom, or usage, to the contrary notwithstanding; but nothing herein contained shall be construed to prevent any of the aldermen of the said city from sitting as judges in the said court;

When  
court may  
be held  
elsewhere

*And be it further enacted*, That in case the city hall of the said city, shall at any time be destroyed; or it shall in any wise become inconvenient for the common council to assemble there, it shall be lawful

for the mayor or recorder of the said city, to convene the said common council at such other place within the said city, as the said mayor or recorder shall appoint. than at city hall.

## CHAP. 38.

AN ACT to authorise the supervisors of the county of Washington to raise a sum of money for the purposes therein mentioned.

PASSED the 21st of March, 1800.

WHEREAS the supervisors of the county of Washington have by their petition prayed an act to authorise them to raise the sum of four hundred dollars upon the freeholders and inhabitants of the said county for the purposes of defraying the expence of erecting a building for the safe keeping of the records of the said county; therefore, Preamble.

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That the supervisors of the said county of Washington at their next annual meeting be and they are hereby authorised to levy and raise on the freeholders and inhabitants of the said county a sum not exceeding the sum of four hundred dollars with an additional sum of five cents on the dollar for collecting the same which sum shall be raised levied and collected in like manner as the other necessary and contingent charges of the said county are by law levied and collected. Tax levy for public building.

*And be it further enacted* That such sum as shall be so levied and collected shall be paid into the treasury of the said county on or before the first day of February in the year eighteen hundred and one and the treasurer of the said county is hereby directed to pay the same to the order of the supervisors for the time being who are hereby required and directed to apply the same for the purpose of building or procuring a suitable house for the safe keeping of the records of the said county, on such conditions limitations and restrictions as the supervisors may deem proper for the purposes aforesaid; Application of money.

## CHAP. 39.

AN ACT to amend an act entitled "An act to vest certain powers in the freeholders and inhabitants of the village of Poughkeepsie."

PASSED the 21st of March, 1800.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That in all future elections to be had under the said act for trustees, all the freeholders and inhabitants of the said village of Poughkeepsie, qualified to vote at town meetings, shall be deemed and considered electors qualified to vote for such trustees, any thing in the said act to the contrary thereof notwithstanding. Who deemed electors.

## CHAP. 40.

AN ACT establishing an allowance to the commissioner of excise in the city and county of New York.

PASSED the 21st of March, 1800.

Salary es-  
tablished.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly* That from and after the first day of February one thousand eight hundred, the commissioner of excise for the city and county of New York for the time being shall be intitled for his services to the sum of two hundred and seventy five dollars per annum instead of the compensation, now allowed by law which it shall and may be lawful for him to retain out of the monies which shall or may come into his hands from the duty of excise aforesaid.

## CHAP. 41.

AN ACT to amend the act entitled "An act further to amend the act entitled "An act for the partition of lands.

PASSED the 21st of March, 1800.

Act ex-  
tended to  
town of  
Brooklyn.

*Be it enacted by the People of the State of New York represented in Senate and Assembly*, That the act entitled "An act further to amend the act entitled "An act for the partition of lands" passed the twenty fifth of March, one thousand seven hundred and ninety four be and the same is hereby extended to and deemed to comprehend the town of Brooklyn in Kings county.

## CHAP. 42.

AN ACT providing for the Indians residing at New Stock Bridge.

PASSED the 21st of March, 1800.

Appropriation for  
church

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That the sum of one thousand dollars be and the same is hereby appropriated for the purpose of erecting a house of public worship for the use of the said Indians upon such spot within New Stockbridge as the commissioners herein after appointed shall designate for that purpose.

Commis-  
sioners to  
erect  
church.

*And be it further enacted* That John Sergeant, Thomas R. Gold and Abraham Van Eps, be and they hereby are appointed commissioners for the purpose of carrying this act into effect, and the comptroller of this State is hereby authorised and directed to draw his warrant on the treasurer thereof in favour of the said commissioners or their order for the aforesaid sum of one thousand dollars and the said commissioners or any two of them shall within two years from the passing of this act compleat for the use of the said Indians the

aforesaid building the expence of which shall not exceed the sum appropriated as aforesaid, and shall within six months thereafter account with the comptroller for the expenditure of the same.

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## CHAP. 43.

AN ACT to amend an act entitled "An act to restrain the feeding and burning the grass and cutting the timber on certain beaches and islands therein mentioned," passed the twenty fourth day of April one thousand seven hundred and eighty four, and for other purposes.

PASSED the 21st of March, 1800.

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That so much of the above recited act as authorizes any person or persons to take, seize and keep for their own absolute property, any horses or neat cattle found on the said beach shall be and the same is hereby repealed. Part of act repealed.

*And be it further enacted* That from and after the first day of May next, if any horses or neat cattle, shall be found on that part of the beach, lying between Mastic west inlet and Long Cove, the owner or owners thereof shall forfeit and pay to any person or persons who shall take, seize and keep the same, the sum of five dollars for each horse or neat beast so found; and in case no person shall appear and pay the said sum of five dollars, within forty eight hours after such horses or neat cattle shall be so taken, the person or persons, taking or seizing the same shall advertise the said horse or horses, neat beast or beasts in two or more public places in the town of Brook Haven at least six days, and at the expiration thereof shall proceed to sell the same at vendue, and out of the money arising therefrom to retain in his or their hands the sum of five dollars with costs not exceeding seventy five cents, returning the overplus money; if any there be, to the owner or owners thereof. Sale of stray horses and cattle.

*And whereas* doubts have arisen respecting the true construction of the twelfth section of the act entitled "An act for the better clearing, regulating and further laying out public highways in Suffolk county, Kings county, and Queens county; for the removal of which,

*Be it further enacted* That it shall and may be lawful for each of the overseers of highways in the respective towns in said counties, to cut and use for the purpose of improving the highways and bridges, any timber that may be found growing on the highways in any part of the said town for which he is an overseer, and all such timber on the highways as shall not from time to time be cut and used for the purpose of improving the highways and bridges in said towns, shall be and remain the sole property of the owner or owners of the lands adjoining the said highways. Timber for repairs of roads and bridges.

## CHAP. 44.

### AN ACT for the relief of Joshua Quereau and Elias Quereau.

PASSED the 21st of March, 1800.

**Preamble.** WHEREAS it appears to the legislature that John Johnson of Westchester county and Anna his wife by indenture bearing date the ninth day of May one thousand seven hundred and sixty nine conveyed to Gilbert Bloomer and Joshua Purdy certain real property at Pecks kill in trust to sell the same for the repayment of six hundred pounds due and owing by the said John Johnson to Joshua Quereau and Elias Quereau, that Elias Quereau the father of the said Joshua and Elias by his last will and testament bequeathed to his said two sons the said six hundred pounds of which John Johnson by his intermarriage with said Anna the widow of the said Elias Quereau deceased had been possessed and had converted the same during the infancy of the said legatees to his own use, that the estate of the said John Johnson hath been forfeited by his attainder and the property so conveyed as aforesaid in pursuance of an act entitled "An act for the further direction of the treasurer passed the seventh of March one thousand seven hundred and ninety three" was sold by the treasurer of this State for the sum of three hundred and thirty pounds which was paid into the treasury on the twenty eighth day of November one thousand seven hundred and ninety three, that by the said act it is declared that the conveyance for the said property to be executed by the treasurer, shall operate as a warranty on the part of the people of this State to the purchaser or purchasers thereof; *and whereas* it also appears that the said claim of the said Joshua Quereau and Elias Quereau has not been satisfied. Therefore;

Appropriation to Joshua and Elias Quereau.

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That the treasurer of this State pay to the said Joshua Quereau and Elias Quereau or to their legal representatives the said sum of three hundred and thirty pounds with the interest thereof at the rate of six per cent per annum from the said twenty eighth day of November one thousand seven hundred and ninety three on their and the said Joshua Purdy who has survived the said Gilbert Bloomer deceased releasing and conveying to the people of this State all their right title and interest to the said premises.

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## CHAP. 45.

### AN ACT making provision for draining a certain tract of swamp and bog meadow known by the name of the Beaverdam in the town of New Windsor in the county of Orange.

PASSED the 21st of March, 1800.

**Preamble.** WHEREAS there is a certain tract of swamp and bog meadow in the town of New Windsor in the county of Orange commonly called the Beaverdam adjoining the lands of John Ellison which is so far overflowed or drowned as to render the same unfit for agricultural pur-

poses. *And whereas* the proprietors of said swamp and bog meadow conceive the same may be made fit for the culture of hemp, mowing and pasturage. Therefore

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That Noah Townsend, John Denniston and Francis Crawford or any two of them or the survivors or survivor of them shall be inspectors to finally settle and determine the number of acres of swamp and bog meadow belonging to each proprietor or occupant in said tract which may in their opinion be benefited by draining or ditching the same which settlement and determination shall be delivered in writing to the treasurer hereafter to be chosen by virtue of this act.

Inspectors to determine acreage liable to assessment.

*And be it further enacted* That for the purpose of draining the said swamp and bog meadow a sum not exceeding four hundred dollars shall be paid by the proprietors and occupants thereof in proportion to the number of acres they shall respectively own and possess and that will be benefitted thereby as settled by said inspectors which sum shall be paid to Jonas Williams, James Moores, Robert Boyd, Leonard D. Nicoll and Isaac Schultz commissioners to be by them applied in paying all incidental charges that shall arise in or about the business of draining said swamp or bog meadow in such manner as they or a majority of them may think proper by cutting or causing to be cut one or more main ditch or ditches to begin at or near the south bounds of said tract of swamp or bog meadow and to continue or extend as far northerly as the said commissioners or a majority of them shall think proper.

Commissioners to superintend drainage.

*And be it further enacted* That each proprietor or occupant shall within three months after the said inspectors have settled and determined the respective proportions of the said sum not exceeding four hundred dollars as aforesaid pay the same to the said commissioners or either of them, and in default thereof it shall be lawful for the said commissioners or the survivors or survivor of them to recover the same by due course of law with interests and costs of suit.

Collection of assessments.

*And be it further enacted* That for the defraying the expence of clearing and scouring such main ditch or ditches as shall be made by the direction of the said commissioners for draining said swamp or bog meadow the proprietors or occupants thereof for the time being shall for every acre as settled by the said inspectors pay such sum annually not exceeding three cents, if a majority of them at their annual meeting shall think proper to be computed from the first day of January one thousand eight hundred and three, on or before the first day of May in every year thereafter to the treasurer to be chosen annually by a majority of said proprietors who shall meet on the first Monday in January for that purpose at the dwelling house of James Moores one of the said proprietors; and in case any proprietor or occupant shall neglect to pay annually on the first day of May such sum not exceeding three cents per acre as settled by the said inspectors as aforesaid the treasurer for the time being may sue for and recover the same before any justice of the peace in the said county with interest and costs of suit, which treasurer shall apply the money or such part thereof as he may deem necessary to clearing and scouring said ditch or ditches who shall also render an account of the expenditure of said monies to said proprietors or occupants so met as aforesaid, and the monies (if any) the papers and accounts respecting the said swamp or bog meadow he shall then deliver to the treasurer, who may be chosen to succeed him.

Annual assessments for clearing ditches.

Line  
ditches.

*And be it further enacted* That any proprietor or occupant who shall be desirous of having one or more line ditch or ditches made shall give at least thirty days notice of his or her intention to the person or persons owning or possessing the part or parts adjoining, and if after such notice any person or persons shall neglect or refuse to make one equal half part of such line ditch or ditches, the person so giving notice may proceed to dig such ditch or ditches and may sue the other party or parties respectively for the one half of the expences thereof before any justice of the peace of the county, and shall recover the same with interests and costs of suit.

Dimen-  
sions.

*And be it further enacted* That all line ditches as aforesaid shall be cut four feet wide and two and a half feet deep, unless the parties shall otherwise determine and agree.

Sale of lots  
for assess-  
ments.

*And be it further enacted* That the commissioners aforesaid, are hereby authorised to dispose of, at public auction for a term not exceeding ten years giving at least six months previous notice thereof by advertisement inserted in one of the public news papers of said county any lot or lots contained in said swamp or bog meadow, the owner or owners thereof neglecting or refusing to pay the sum or sums assessed therein by the said inspectors, and give lease or leases for the same to any person or persons who may purchase said lot or lots.

Damages  
arising by  
construction  
of  
ditches.

*And be it further enacted* That in case the said commissioners shall find it necessary to continue such ditch or ditches over lands adjoining said south bounds of the tract of swamp or bog meadow aforesaid for the purpose of draining the same more effectually the commissioners aforesaid are hereby authorised to agree and settle with the owner or owners of said lands for such damage as is likely in their opinion to be sustained by such owner or owners in consequence of the ditch or ditches they shall make for draining said swamp or bog meadow and pay such sum or sums as shall be agreed on out of the said sum of four hundred dollars or such other sum as shall be raised for the purpose of ditching said swamp or bog meadow, and if they do not agree as aforesaid, on application by the said commissioners for that purpose, the judges of the court of common pleas of said county (not interested in the premises) or a majority of them are hereby authorised to appoint three reputable freeholders in the said county not interested in the said lands to appraise and ascertain what damages (if any) the owner or owners of such lands may probably sustain by means of ditching or draining said swamp or bog meadow; and if the said commissioners shall judge proper to pay such appraisement to the owner or owners they may upon payment of the same proceed to cut or direct the cutting such ditch or ditches as said commissioners may deem proper and necessary, any law to the contrary notwithstanding.

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## CHAP. 46.

AN ACT altering the terms of the courts of common pleas and general sessions of the peace in the counties of Columbia and Schoharie.

PASSED the 21st of March, 1800.

Courts in  
Columbia  
county.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the courts of common pleas and general sessions of the peace in the county of Columbia, shall hereafter be

held on the second Monday of May, and on the second Monday of September and on the second Monday of January in each and every year, and may be held and continued until the Saturday next following the commencement of such courts inclusively, or may be sooner adjourned to the next term, if the business in the same courts will admit, and the same courts shall see fit; *provided however*, that such adjournment shall not affect the teste, return or service of any writs issued prior to such adjournment.

*And be it further enacted*, That all writs issued out of the said court of common pleas, before the said second Monday in May next, may be made returnable either on the said second Monday in May next, or on the last Monday in May next; and in cases in which writs have been made returnable on the last Monday in May next, such writs shall be returned on the said second Monday in May next; and all bail bonds whereby any persons shall have been or may be let to bail, shall be deemed and adjudged to require the appearance of the parties so let to bail on the said second Monday in May next, notwithstanding the same may be conditioned for the appearance of the parties therein on the last Monday in May next, and all recognizances whereby any person or persons are bound and required to appear on the said last Monday in May next, shall be deemed and adjudged to require such person or persons to appear at the said general sessions of the peace on the said second Monday in May next; any law to the contrary notwithstanding.

Writs and  
process.

*And be it further enacted*, That the term of the courts of common pleas and general sessions of the peace for the county of Schoharie (now directed by law) to be holden on the last Tuesday of May, shall hereafter be held on the third Tuesday in May in each and every year. And that the provisions contained in the preceding section of this act relative to the issuing and return of writs, and to bail bonds and recognizances, shall be construed and deemed to extend to the said courts of common pleas and general sessions of the peace, to be holden in the said county of Schoharie on the said third Tuesday in May next.

Id., Scho-  
harie  
county.

## CHAP. 47.

AN ACT for dividing the town of Marlborough in the county of Ulster.

PASSED the 21st of March, 1800.

*Be it enacted, by the People of the State of New York, represented in Senate and Assembly*; That from and after the last day of March instant, the town of Marlborough be divided into separate towns, by a line beginning, on the division line between said town, and the town of New Burgh, two chains, and seventy five links, east of the north corner of a tract of land called the Five Patentees, from thence on a straight line, northward to the most easterly bounds of Robert Tift's land, where it joins the town of New Paltz: And all that part of the said town of Marlborough, situate on the westerly side of said line, shall be, and is hereby erected, into a separate town by the name, of Plattet Kill: And the remaining part of said town, shall be and remain a separate town, by the name of Marlborough; and the first town meeting, in the said town of Marlborough, shall be held at the house of

Plattetkill,  
town of.  
erected.



David Merritt; and the first town meeting in the town of Plattekill shall be held at the house of Robert Gilmore.

Division of  
the poor.

*And be it further enacted*; That as soon as may be after the first Tuesday in April next, the overseers of the poor, and the supervisors of the said towns, shall after due notice being given for that purpose, by the supervisors of said towns; meet together and apportion the money, and poor, belonging to said town of Malborough, previous to the division thereof, in as equitable a manner, as may be; and in case the supervisors, and overseers of the poor cannot agree in the division of the money, and poor as aforesaid; then the supervisors of the county of Ulster, at their annual meeting shall make such division of the money and poor aforesaid, as shall appear most equitable to the major part of them.

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## CHAP. 48.

### AN ACT for the relief of Israel Spencer and his associates.

PASSED the 21st of March, 1800.

Preamble.

WHEREAS Israel Spencer hath by his petition in behalf of himself and twenty nine others his associates, represented to this legislature, that in pursuance of the act entitled "An act to authorize the commissioners of the land office to grant certain lands to Israel Spencer and others" they have paid into the treasury of this State the full amount of the payments required in and by the said act, to entitle themselves to letters patent for the lands therein mentioned; but that two of the said payments were not fully made at the precise times prescribed therefor. Therefore

Grant of  
lands to  
Israel  
Spencer.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly*, That it shall be lawful for the commissioners of the land office and they are hereby directed to grant to the said Israel Spencer and his associates named in the said recited act, the lands therein directed to be granted and in the manner therein directed, on satisfactory proof made to them, that the sums of money mentioned in the said recited act have been paid.

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## CHAP. 49.

### AN ACT relative to religious societies.

PASSED the 21st of March, 1800.

Act recited  
not to ex-  
tend but to  
churches  
in cities  
named.

*Be it enacted, by the People of the State of New York, represented in Senate and Assembly*; That the twelfth section of the act entitled "An act to enable all the religious denominations in this State to appoint trustees, who shall be a body corporate, for the purpose of taking care of the temporalities of their respective congregations, and for other purposes therein mentioned," shall not be construed to extend to any church, congregation, or religious society, other than those in the cities of New York, Albany, and Schenectady; and the trustees, and corporation of any congregation, or religious society within this State,

are hereby restored to all the rights, and privileges, which they may at any former period have been possessed of, and which may have been forfeited, or lost by reason of a non, compliance with the directions contained in the said twelfth section, of the said recited act.

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## CHAP. 50.

### AN ACT for the relief of John Steward.

PASSED the 21st of March, 1800.

WHEREAS John Steward of the county of Orange hath deposited Preamble.  
certificates commonly called class rights in the surveyor generals office whereby he became entitled to locate four hundred acres of unappropriated land: *And whereas* the said John Steward did in the year one thousand seven hundred and eighty nine locate a tract of land situate in the town of Walkill and county of Ulster estimated to contain three hundred and thirty two acres and did obtain a grant for the same: *And whereas* it hath been ascertained that the tract so located by him doth not contain more than three hundred acres by reason whereof the said John Steward is entitled to locate an additional quantity of one hundred acres of unappropriated lands: *And whereas* it appears by the surveyor generals report, that there is a tract of one hundred and thirty acres of land lying between the patent of Deer Park and patents granted to Thomas Palmer and others in the aforesaid county of Orange which the said John Steward is desirous to locate: *And whereas* it will be beneficial to this State that the whole of the said tract of one hundred and thirty acres should be granted on reasonable terms to the said John Steward.—Therefore

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That it shall be lawful for the said John Steward to locate one hundred acres of the said tract of one hundred and thirty acres of land to make up the deficiency of the said four hundred acres which he became entitled to as aforesaid. *And further* that it shall be lawful for the commissioners of the land office and they are hereby authorised and directed to grant letters patent to the said John Steward for the residue of the said tract of one hundred and thirty acres of land upon his producing a survey thereof at his own expence from the surveyor general: *Provided* that the said John Steward shall pay into the treasury of this State for such residue at the rate of one dollar per acre and shall before the granting of such letters patent produce a receipt of the said treasurer for the purchase money. Location  
of lands by  
John  
Steward.

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## CHAP. 51.

### AN ACT to alter the division line between the counties of Orange and Rockland.

PASSED the 21st of March, 1800.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That instead of the boundary line between the said counties established in and by the first section of the act entitled Boundary  
line be-  
tween  
Orange

and Rock-  
land  
counties.

"An act for dividing the county of Orange, the following shall be the boundary or division line between the said counties, to witt, Beginning at the mouth of Poplopens kill on Hudsons river and running from thence on a direct course to the east end of Michael Weimans mill dam across the Ramapough river and from thence a direct course to the twenty mile stone standing in the division line between this State and the State of New Jersey any thing in the said recited act to the contrary in any wise notwithstanding.

Division  
line to be  
run

*And be it further enacted,* That it shall be the duty of the first judges of the said counties of Orange and Rockland and they are hereby required as soon as conveniently may be to cause the said division line to be accurately run and marked and audit the account of the surveyor who shall perform the same and certify two copies thereof and transmit one copy to the board of supervisors of the county of Orange and the other to the board of supervisors of the county of Rockland and the said respective boards of supervisors are hereby required to cause one moiety of the said expences to be levied and collected in their respective counties as the other contingent expences of the said counties are collected, and pay the same to the surveyor aforesaid.

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## CHAP. 52.

AN ACT supplementary to the act entitled "An act for vesting a certain tract of land in trustees, for the benefit of Peter Otsequette.

PASSED the 21st of March, 1800.

How rents  
of certain  
lands ap-  
plied.

*Be it enacted, by the People of the State of New York, represented in Senate and Assembly;* That the rents already accrued, or that may hereafter accrue upon the lease of the tract of land, directed to be granted to Peter Otsequette, by the act entitled, "An act for vesting a certain tract of land in trustees for the benefit of Peter Otsequette," passed the 18th of March 1791," shall be applied to the support, and education of the children of the said Peter Otsequette; (who is now deceased,) and for that purpose, the treasurer of this State, shall upon the warrant of the comptroller, pay all such rents, as may be by him received, to the assistant attorney general, for the district in which the said children reside, to be by him applied from time to time, to and for the uses aforesaid, and thereupon to account with the said comptroller for the expenditure of all monies so paid to him as aforesaid.

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## CHAP. 53.

AN ACT concerning supervisors.

PASSED the 21st of March, 1800.

Compensa-  
tion of su-  
pervisors.

*Be it enacted, by the People of the State of New York, represented in Senate, and Assembly,* That each of the supervisors, of the several and respective counties of this State, when attending the meetings of the board of supervisors, in their respective counties on public business, shall be allowed as a compensation for their services, and expences, the

sum of ten dollars per day, and no more for every day they shall respectively be necessarily so employed, to be paid by their respective counties, and to be raised, levied, and collected, as part of the contingent expences of the said counties respectively.

## CHAP. 54.

AN ACT to vest certain powers in the freeholders and inhabitants of the village of New Burgh.

PASSED the 25th of March, 1800.

WHEREAS it has been represented to the legislature by the inhabitants of the village of New Burgh, that the existing laws are inadequate to answer the end of enabling them to regulate their interior police; therefore

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That the district of country contained within the following bounds, that is to say; beginning at the mouth of a brook or creek called Chamber's creek, thence westerly along the said creek as it runs, to the southwest corner of a tract of land commonly called the German patent, thence along the west line of the said tract of land, to the north line of a tract of land commonly called the Glebe land, thence along the north line of the last mentioned tract of land easterly to the Hudsons river, and continuing the said course to the east bounds of the county of Orange, thence southerly along the east bounds of the said county until an east line from the mouth of Chambers creek aforesaid shall intersect the last mentioned line, and thence to the place of beginning, shall hereafter be known and distinguished by the name of the village of New Burgh; and the freeholders and inhabitants who are qualified to vote at the town meetings, who may from time to time reside within the aforesaid limits, May on the first Tuesday of May next, meet at some proper place to be appointed by any justice or justices of the peace within the said village, and notified to the inhabitants thereof at least one week previous to the said first Tuesday of May, and then and there proceed to elect seven discreet freeholders resident within the said village, to be trustees thereof, who when chosen, shall possess the several powers and rights herein after specified; and such justice or justices shall preside at such meeting, and shall declare the several persons having the greatest number of votes as duly chosen trustees; and on every first Tuesday of May after the first election of the trustees, there shall in like manner be a new election of trustees for the said village, and the trustees for the time being shall perform the several duties required from the said justice or justices, in respect of notifying the meeting of the freeholders and inhabitants of the village, and presiding at such election.

*And be it further enacted* That all the freeholders and inhabitants residing within the aforesaid limits, be and they are hereby ordained, constituted and declared to be, from time to time and for ever hereafter, one body politic and corporate, in fact and in name, by the name of the Trustees of the Village of New Burgh, and by that name, they and their successors shall and may have perpetual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being

Newburgh,  
village of,  
incor-  
porated.

Powers of  
village.

defended, in all courts and places whatsoever, in all manner of actions, complaints, and causes whatsoever, and that they and their successors may have a common seal, and may change and alter the same at pleasure, and shall be in law capable of purchasing, holding and conveying any estate real or personal for the use of the said village; and of erecting public buildings, such as fire engine-house or houses, of raising money by tax for erecting those public buildings, or making any other necessary repairs or improvements, which money so to be raised, shall be assessed upon the freeholders and inhabitants of the said village according to law, by not less than three, nor more than five judicious assessors, who shall be freeholders in said village, to be by the freeholders and inhabitants of the said village, qualified to vote at town meetings, chosen at their annual meetings, and collected by the collector of the corporation, in like manner, as the taxes of towns and counties are collected, by virtue of a warrant to him directed by a majority of the trustees. *Provided nevertheless* that no tax shall be levied, or monies raised, assessed or collected, for erecting such public buildings, or making any other necessary repairs or improvements, no purchase or sale of any real estate, no public buildings erected or disposed of, without the consent of the freeholders and the legal voters of the said village, or the major part thereof, in open meeting duly notified, therein assented to and voted.

Village ordinance.

*And be it further enacted*, That it shall and may be lawful for the trustees of the said village, or the major part of them by this act to be chosen, and for their successors in office for ever, from and after the first Tuesday in May next, to make, ordain, constitute and publish such prudential bye-laws, rules and regulations as they from time to time shall deem meet and proper, and such in particular, as are relative to public markets within the said village; relative to the streets, alleys and highways of the said village, and draining filling up, paving, keeping in order and improving the same; relative to slaughter-houses and nuisances generally; relative to a town-watch and lighting the streets of the said village; relative to the number of taverns or inns to be licensed in the said village; relative to the restraining geese, swine or cattle of any kind; relative to the better improving their common lands; relative to the inspection of weights and measures; relative to erecting and regulating hay scales, and relative to any thing whatsoever that may concern the public and good government of the said village; but no such bye-laws shall extend to the regulating or ascertaining the prices of any commodities or articles of provision (except the article of bread) that may be offered for sale; *provided always* that such bye-laws be not contrary to, or inconsistent with the laws and statutes of this State, or of the United States. *Provided always*

Assessments for paving streets.

*And be it further enacted*, That any monies to be raised for paving any street or streets shall be assessed, levied and collected in a just and equitable manner, of and from the owners or occupants of all the houses and lots adjoining such street or streets so to be paved in proportion, as nearly as may be, to the advantages which each shall be deemed to acquire respectively, any thing in this act to the contrary notwithstanding.

Fines.

*And be it further enacted*, That the said trustees, or the major part of them, as often as they shall make, ordain and publish any such bye-laws for the purposes aforesaid, may make, ordain, limit and provide such reasonable fines against the offenders of such laws as they may think proper, the same not exceeding twenty five dollars for any one offence, to be prosecuted and recovered before any justice of the

peace, or court having cognizance of the same, with costs of suit, by the trustees to and for the use of said corporation.

*And be it further enacted,* That it shall and may be lawful for the trustees of the said village of New Burgh, or the major part of them, and their successors at any time after the first Tuesday in May next to make, ordain, constitute and publish a bye-law, prohibiting any baker, or other person within the aforesaid limits from selling any bread, at any higher price or rate, than bread of the like quality at the time of such sale, shall be assized in and for the city of New York, by the corporation of the said city, under the penalty of one dollar for every offence, to be recovered by the said trustees, before any justice of the peace, residing in the said village, or county of Orange, in an action of debt, with costs of suit, for the use of the said corporation.

Regulations concerning bread.

*And be it further enacted,* That the freeholders and inhabitants of the said village of New Burgh, qualified to vote at town meetings, at their annual town meetings on the first Tuesday in May in every year hereafter, to be held for choosing trustees, or at any other meeting duly notified, shall, and they are hereby authorised and empowered, to choose not less than three, nor more than five judicious inhabitants, being freeholders, as assessors, one treasurer, being also a freeholder, one collector, and as many fire wardens, as the trustees for the time being, or the major part of them, may order and direct, and that at every such election, the person or persons having the greatest number of votes, for such offices respectively, shall be deemed to be duly chosen, and in case a vacancy should happen, by the death, removal out of the said village, refusal, or incapacity to serve, of any of the assessors, the treasurer, collector, or fire wardens, it shall be the duty of the trustees, or the major part of them, within ten days thereafter, to appoint some suitable person, to fill such vacancy, and the person, so to be appointed, shall be vested with the like powers, and subject to the same penalties, and restrictions, as if elected by the freeholders and inhabitants of said village as above mentioned.

Election of village officers.

*And be it further enacted,* That the said trustees, treasurer, collector, assessors and fire wardens, shall within ten days after each and every election, and before they proceed to the exercise of their several offices, respectively, take and subscribe an oath or affirmation, before any justice of the peace in the said village, or county, for the faithful execution of the trust or office, to which they may be severally chosen or appointed.

Oaths of office.

*And be it further enacted,* That the treasurer and collector hereafter to be elected, shall, before they enter upon the execution of their respective offices, respectively give such security for the faithful performance of the trusts reposed in them, as the major part of the trustees for the time being, shall deem sufficient.

Official bonds.

*And be it further enacted,* That if any of the inhabitants of said village, qualified as aforesaid, shall hereafter be elected or appointed, a trustee, or to the office of assessor, or fire warden, and having notice of said election, shall refuse, deny, delay or neglect to take upon him or them, to execute such trust or office to which he or they shall be elected, then and as often as it shall happen, it shall and may be lawful for the trustees, or the major part of them, to assess and impose, upon every such person or persons so neglecting, delaying or refusing, such reasonable fine or fines, as they the said trustees, or the major part of them, may think fit, so as such fine for each refusal, denial, delay or neglect shall not exceed the sum of twenty dollars, all which said fines shall and may be recovered by action of debt, before any jus-

Penalty for refusing office.

tice of the peace in the said county of Orange, or court having cognizance of the same, to be prosecuted, recovered and received by the said trustees, with costs of suit, to and for the use of the said corporation; that in all cases where the trustees of the village of New Burgh are authorized, empowered or required to sue or prosecute for any debts, penalties, fines or forfeitures by virtue of this act, it shall be deemed sufficient for the said trustees for the time being, in any suit or action to be brought for any such debts, penalties, fines or forfeitures, to declare generally that the defendant or defendants, is or are indebted to the trustees of the village of New Burgh, in the amount of such debt, penalty, fine or forfeiture, by virtue of this act, to be paid to the said trustees for the time being, when thereunto required; and under such declaration to give the special matter in evidence.

*And whereas* it is necessary for the good order and government of the said village that it should be more particularly the business of some one of the trustees of the said village to attend to its more immediate concerns; therefore

Village  
president.

*Be it further enacted*, That the trustees within ten days after their being elected, in every year hereafter, or the major part of them, shall, and it is hereby made their duty, to assemble in some convenient place in the said village, and there to choose and appoint, some one suitable person of their body, to be president of the said board of trustees, whose duty it shall be, when present, to preside at the meeting of the trustees, to order extraordinary meetings of trustees, whenever he may find it for the interest of the village so to do, to receive complaints of the breach of any bye-laws, to see that all the bye-laws, rules and ordinances are faithfully executed, and prosecute in the name of the trustees, all offenders against such bye-laws, to receive and lay before the trustees, the returns of the fire wardens, and who with the consent of the major part of the trustees, shall appoint under his hand, and the seal of the said village, the company of firemen, to inspect the utensils belonging to the said village for extinguishing fires, and whose duty it shall be, more particularly to see the engines and fire utensils, engine houses, and all other public property belonging to the said village, suitably and properly, taken care of, and kept in order, and to do all such other acts and things, as may be proper for him, as president of the board of trustees to do; and in case of the death, absence or disability of the president, to discharge the several duties before mentioned, his place shall be supplied, in the manner hereafter to be provided, by the bye laws of the said corporation.

Collector.

*And be it further enacted*, That the collector shall within such time, as shall hereafter be provided for, by the bye-laws of the said corporation, next after the receipt of his warrant, for collecting any tax that may have been ordered to be raised, collect and pay the same to the treasurer, and that all monies which may at any time, be in the hands of the treasurer, shall be liable to be drawn out by the trustees or the major part of them and applied, and disposed of, as shall have been directed by the freeholders and inhabitants of said village.

Compensation  
of officers.

*And be it further enacted*, That the said trustees, shall keep a just and accurate account of their necessary expences and disbursements, and on exhibiting the same to the treasurer, shall be entitled to receive the amount thereof, out of any monies in the treasury, and that the treasurer, collector and assessors shall be paid for their several services, such suitable compensation, as the said trustees or a majority of them, by a bye-law of the said corporation shall provide.

*And be it further enacted,* That it shall not be lawful for the said corporation to purchase, or hold, any real estate whatsoever not lying or being within the limits of the said corporation. Power to hold real estate.

*And be it further enacted,* That the trustees to be elected, by virtue of this act shall continue in office, and be authorised and empowered to execute, and perform, all and singular, the powers and duties in this act contained, belonging to their office of trustees as aforesaid, until the first, Tuesday in May next following after their election of trustees as aforesaid, and until a new election for trustees of the said village, shall be made pursuant to this act, and until the trustees so last chosen, shall take and subscribe the oath or affirmation of the office of trustee. Trustees to hold until successors qualify.

## CHAP. 55.

### AN ACT for the relief of John Thurman, and for other purposes.

PASSED the 25th of March, 1800.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That all the right, title and interest of the people of this State to the lands herein after mentioned and described, shall be and hereby is vested in John Thurman his heirs and assigns forever, vizt: All that tract of land lying and being in the township of Thurman, and county of Washington, between the east and middle branches of Hudson's river; beginning at the southwesterly corner of the twenty fourth township of Jessups, commonly called Totten and Crossfields purchase, thence north fifty nine degrees east, along the line of said township to the east or Scaroon branch of Hudson's river, thence down the river as it winds and turns to the northeasternmost corner of Hyde township, thence south fifty nine degrees west, along the line of Hyde township to the middle branch of Hudson's river, thence up the said river to the line where this tract first began, containing nine thousand eight hundred and fifty acres of land, be the same more or less; *provided nevertheless,* and upon condition that the said John Thurman shall on or before the first day of July one thousand, eight hundred and one, pay into the treasury of this State, the sum of fourteen cents per acre for the same, in lieu of all charges and incumbrances. *And provided also,* that the said John Thurman shall convey to the people respectively who are now in possession of any of the said lands, and their respective heirs and assigns forever, such tract or tracts as may be in their possession respectively, at the rate of two dollars and twenty five cents per acre, payable within fifteen years from the execution of the deeds, with interest at six per cent per annum for the same, payable yearly; the payment of which principal and interest shall be secured by the respective possessors, their heirs or assigns by bonds and mortgages on the premises, to be executed to the said John Thurman at the time of the delivery of the conveyances to such possessors their heirs and assigns respectively. Lands vested in John Thurman.

*And whereas* the commissioners of the land office, on the fifth day of May in the year one thousand, seven hundred and eighty eight, did resolve, that the twelfth township situate in Washington county, in the tract called Jessup's, or Totten and Crossfields purchase, should be granted to John Thurman, at the price of one shilling and two pence per



acre — *and whereas* letters patent did on the same day issue to the said John Thurman accordingly, by which letters patent, the quantity of acres thereby granted, are mentioned to be twenty five thousand, two hundred, and the said John Thurman paid for the lands granted accordingly. *And whereas* it now appears that by the boundary lines a described in the said letters patent, the quantity of land included in, and granted thereby to the said John Thurman, exceeds the quantity mentioned in the said letters patent, and paid for by the said John Thurman about nine thousand eight hundred and sixty acres, exclusive of about seven hundred, covered by a previous patent, and as it is evident that such excess was included by mistake. Therefore

Payments  
to be made  
to State  
treasury.

*Be it further enacted*, That the grant and confirmation hereby made to the said John Thurman is upon this further condition; that the said John Thurman his heirs or assigns shall also on or before the first day of July, one thousand, eight hundred and two, pay into the treasury of this State, the sum of fourteen hundred dollars, in satisfaction of the said lands so included in the said letters patent by mistake, or convey to the people of this State, all the lands so included in the said letters patent, which do not come within the lines of the said twelfth township, on or before the day last aforesaid; and in case such payment shall be made then the said John Thurman his heirs and assigns, shall be deemed lawfully entitled to all the lands so included in the said letters patent, by the bounds therein mentioned, not previously granted by the people of this State. And in case the said sum of fourteen hundred dollars shall not be paid nor the said conveyance to the people of this State executed on or before the day for that purpose mentioned, the whole grant and confirmation hereby intended to be made, shall be utterly void and all the said lands hereby intended to be granted and confirmed, shall be, and remain to the people of this State, subject to the future disposition of the legislature.

Bond to be  
given.

*And be it further enacted*, That if the said John Thurman shall at any time, on or before the first day of July next, give and execute his bond to the people of the State of New York, together with such sureties therein, as the comptroller shall approve of, and be satisfied with, for the payment of the aforesaid sums at the periods aforesaid, then and in such case, all and every condition contained in this act and predicated on the payment of money by the said John Thurman shall cease, and the title of the said John Thurman to all the said lands shall become absolute.

*And whereas* John Stevenson of the City of Albany, hath respectfully represented to the legislature, that his father James Stevenson late of the said city deceased, was entitled to a grant for three thousand acres of land in the late colony, now the State of New York, and that letters patent passed therefor, under the great seal of the said colony on the seventh day of December, one thousand, seven hundred and seventy five: *And whereas* it is declared by the constitution of this State, "That all grants of lands within this State made by the king of Great Britain, or persons acting under his authority after the fourteenth day of October, one thousand, seven hundred and seventy five, shall be null and void;" by reason of which article in the constitution, the grant so passed as aforesaid is become null and void. *And whereas* the said article was apparently inserted to guard against collusive and improper grants, and not against fair claimants whose right accrued prior to the establishment of the said constitution. *And whereas* it is of record in the secretary's office of this State, that an order of council had passed on the eleventh day of July one thousand, seven hun-

dred and seventy five, antecedent to the date of the said grant, for passing the same: Therefore

*Be it further enacted*, That it shall be lawful for the commissioners of the land office and they are hereby directed to cause letters patent in the usual form, to issue to the said John Stevenson, for the tract of land mentioned and described, in the above recited letters patent, to the said James Stevenson deceased, if the same shall remain unappropriated, on the said John Stevenson paying for the same, to the treasurer of this State, the sum of seven hundred and fifty dollars.

Grant to  
John  
Stevenson.

## CHAP. 56.

AN ACT concerning the surveyor general and for other purposes.

PASSED the 25th of March, 1800.

WHEREAS it is the duty of governments to aid and encourage works intended for the benefit and use of the public; and it having been represented by the surveyor general, that the publication of the map of the State will require an advance of money, which it is doubtful whether he will be able to obtain without the assistance of the legislature; Therefore

Preamble.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly*, That it shall be lawful for the comptroller to loan to Simeon DeWitt the surveyor general for the term of three years, three thousand dollars, without interest, on such security as the said comptroller shall deem sufficient, and shall draw his warrant on the treasurer for the said sum in favour of the said surveyor general.

Loan to  
surveyor-  
general.

*And whereas* by the act entitled "An act to carry into effect the concurrent resolutions and acts of the legislature for granting certain lands promised to be given as bounty lands and for other purposes therein mentioned," it is made the duty of the secretary, to charge over and above the fees then already established on each lot in the military tract the sum of eight shillings, to be paid to the surveyor general and applied to the defraying of the expence of surveying the same.

*And whereas* in the townships of Galen and Sterling there remain a number of lots for which letters patent will probably never be issued pursuant to the said last recited act whereby the provision thereby intended to raise the money in part for defraying of such expences will be defeated; Therefore

*Be it further enacted* That it shall be lawful for the comptroller to draw his warrant on the treasury in favour of the surveyor general for one dollar for each lot remaining un-patented in the townships of Galen and Sterling; and it shall be the duty of the secretary thereafter to pay the monies he shall charge and collect on each patent to be issued as aforesaid into the treasury.

Appropriation for  
certain  
surveys.

*And be it further enacted*, That the treasurer of this State shall pay to the surveyor general on the warrant of the comptroller a sum not exceeding five hundred dollars, to enable him to run and mark the boundary line between the counties of Saratoga and Montgomery, between Montgomery and Herkimer, and so much of the boundary of the county of Schoharie, as have not been run and marked agreeable

Id., bound-  
ary lines.

to the laws describing the same, for which sum the said surveyor general shall account with the comptroller.

Surveys to  
be made by  
towns.

*And be it further enacted* That the surveyor general be and he is hereby empowered to demand from any supervisor of any town in this State a survey of so much of the bounds of such town as he can not otherwise obtain; and it is hereby made the duty of such supervisor thereon to cause such survey to be made, and within sixty days after such demand to deliver a map and description of such bounds to the surveyor general, the costs and charges of which shall be defrayed by the towns respectively to which such bounds belong, in the manner in which other contingent charges of towns are defrayed and paid.

Penalty for  
refusal of  
supervisor  
to have  
survey  
made

*And be it further enacted* That in case of the refusal or neglect of any supervisor to perform the duties enjoined on him as aforesaid, he shall forfeit and pay the sum of fifty dollars, to be recovered by the assistant attorney general of the district in which such supervisor shall reside, in an action of debt, in any court of record in this State, having cognizance thereof; and it is hereby made the duty of the said assistant attorney general to prosecute any delinquent or delinquents in the premises, and the monies so recovered, shall be delivered to the surveyor general, and by him be applied to the making of a map of such town or towns being delinquent as aforesaid.

## CHAP. 57.

AN ACT to authorise the sheriff of the county of Cayuga to occupy a building near the bridge over the Cayuga lake as and for the goal of said county.

PASSED the 25th of March, 1800.

Preamble.

WHEREAS, Joseph Annin sheriff of the county of Cayuga hath by his petition represented, that great inconvenience arises, and much expence is incurred by the transportation of prisoners from said county to the county of Ontario and that a building hath been lately erected at the village of Cayuga of size and dimensions sufficient to accommodate all prisoners of the said county with convenience, and strength to afford the most complete security for their safe keeping, and that the proprietors of said building have offered him the use thereof for the purpose of a goal for the said county without any charge or expence, and hath prayed that the said building may by law be established as the goal for said county; Therefore,

Jail of  
Cayuga  
county.

*Be it enacted by the People of the State of New York represented in Senate and Assembly;* That until further legislative provision be made in the premises, the log house erected by the Cayuga Bridge Company at or near the easterly end of said bridge, on the margin of the Cayuga lake, shall be considered as the common goal of said county of Cayuga and it shall be lawful for the said sheriff to remove from the goal of the county of Ontario or any other place, to said house hereby declared to be the goal of the county of Cayuga, all prisoners committed to his custody.

Jail limits.

*And be it further enacted,* That the judges and assistant justices of the said county of Cayuga shall at the next court of common pleas to be held in the said county, assign such tract of land not exceeding three acres adjoining said log house, as they may think proper as and

for the goal limits, agreeable to the act in such case made and provided and until such assignment shall be made it shall and may be lawful for the said Joseph Annin to suffer the persons in his custody and who now have the benefit of the goal limits to remain and continue within those at present established in said county of Cayuga.

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## CHAP. 58.

**AN ACT** to continue in force the act entitled "An act supplementary to the act entitled "An act for the regulation of pilots and pilotage for the port of New York and for other purposes therein mentioned.

PASSED the 25th of March, 1800.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the act entitled "An act supplementary to the act entitled "An act for the regulation of pilots, and pilotage, for the port of New York and for other purposes therein mentioned, passed March sixteenth, one thousand seven hundred and ninety eight, shall be and the same hereby is revived and continued in force until the first day of March one thousand eight hundred and two. Act recited  
revived.

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## CHAP. 59.

**AN ACT** to erect part of the counties of Ulster and Albany, into a separate county.

PASSED the 25th of March, 1800.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That all those parts of the counties of Albany and Ulster, beginning at Hudsons river, on the line between the towns of Kingston and Catskill, running along the southeast bounds of the town of Catskill, to the northeast corner of the town of Kingston, thence along the town of Kingston opposite to the southeast corner of the town of Windham, thence to the said southeast corner of the said town of Windham, thence along the southerly bounds thereof, to the southwest corner thereof, adjoining the county of Delaware, thence along the division line between the town and county aforesaid, to the northwest corner of said town, and to the southerly boundary of the town of Freehold, thence westerly to the most westerly extremity of the said town of Freehold, thence easterly along the northerly bounds of said town of Freehold and Coxackie, to the northeast corner thereof, thence to the middle of Hudson's river aforesaid, thence down the middle of said river to the intersection of a line drawn from the place of beginning easterly on the course of the line first mentioned, and thence to the place of beginning, shall be and hereby is erected into a distinct county by the name of Green. Greene  
county  
erected.

*And be it further enacted,* That there shall be a court of common pleas, and a court of general sessions of the peace in the said county of Green; and that there shall be three terms of the said courts, the Courts.

first of which courts shall commence on the first Tuesday in May next, the second on the third Tuesday in September next, and the third on the last Tuesday in January, in the year one thousand, eight hundred and one; and that there shall be two terms of the said courts of general sessions of the peace, the first of which courts shall commence on the said first Tuesday in May next, and the second of the said courts, shall commence on the third Tuesday in September next, and so annually on the said Tuesday in each of said months; each of which said courts shall continue until the Saturday following unless previously adjourned, both of which courts shall have and exercise the like power and authority within the said county, as the like courts have and exercise in the respective counties in this State; provided that nothing in this act contained shall injure or affect any proceedings, civil or criminal already commenced or to be commenced before the first day of June next, or in any wise to affect the same, but all such civil and criminal proceedings, shall and may be prosecuted to final judgment, and execution, as if this act had not been passed.

Where  
courts to  
be held.

*And be it further enacted,* That until further legislative provision be made in the premises, the said courts of common pleas and general sessions of the peace, in the said county shall be held at the academy in the town of Catskill, and at the dwelling house of John R. Vanderburgh in the town of Coxackie, in said county, alternately.

Privileges  
of county.

*And be it further enacted,* That the freeholders and inhabitants of said county, shall have and enjoy all the rights, privileges and powers, which the freeholders and inhabitants of other counties in this State, legally have and enjoy.

Where  
prisoners  
confined.

*And be it further enacted,* That it shall and may be lawful for all courts and officers of said county of Green, in all cases civil and criminal, to confine their prisoners in the gaol of the county of Columbia, until a gaol shall be erected in said county of Green.

Circuit  
court.

*And be it further enacted,* That it shall not be the duty of the justices of the supreme court, once in every year to hold a circuit in the said county of Green unless in their judgment, they shall deem it proper and necessary, any law to the contrary notwithstanding.

In middle  
district.

*And be it further enacted,* That the said county of Green, shall be a part of the middle district of this State.

Assembly-  
men.

*And be it further enacted,* That from and after the passing of this act, it shall and may be lawful for the county of Albany to elect eight, the said county of Greene two, and the county of Ulster four members of assembly, and no more, any law to the contrary thereof notwithstanding.

Part  
Woodstock  
annexed to  
Catskill.

*And be it further enacted,* That all that part of Woodstock included in said county of Green, shall be, and is hereby declared to be a part of the town of Catskill.

Losses on  
loans.

*And be it further enacted,* That all losses, which may arise from deficiencies on loans by the loan officers, made on lands mortgaged, and which are situate within the said county of Green, shall be born, and paid in manner following, that is to say, such deficiency as shall arise from lands mortgaged, while part of the county of Albany shall be borne by the inhabitants residing in that part of the county of Green, taken from the county of Albany, and the like rule shall prevail as to any deficiency which may in like manner arise in the county of Ulster, and for that purpose, the loan officers of said counties shall respectively certify the amount of such deficiencies to the supervisors of the said county of Green, who shall thereupon assess, levy, and collect the same, upon the principles aforesaid, and pay the same to the loan

officers of said counties respectively, in which such deficiencies shall arise.

*And be it further enacted*, That the said county of Green, shall be annexed to, and become part of the district, now composed of the counties of Columbia and Rensselaer, as it respects all proceedings under the act entitled "An act making provision for the more due and convenient conducting public prosecutions, at the courts of oyer and terminer, and gaol delivery, and general sessions of the peace."

Assistant  
attorney  
general  
district.

## CHAP. 60.

**AN ACT** for the relief of the creditors of persons imprisoned in the State prison, otherwise than for life; for altering the punishment for certain offences; for more effectually providing against escapes from the said prison, and for other purposes respecting the same.

PASSED the 25th of March, 1800.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly*, That every person who now is, or hereafter shall be, imprisoned in the State prison, other than persons adjudged to imprisonment for life or offences committed after the twenty ninth day of March one thousand seven hundred and ninety nine, shall be deemed to be an absconding debtor within the intent of the act for relief against absconding and absent debtors" passed the 4th of April 1786, and that trustees may immediately, on the application of a creditor, be appointed, without any proof of concealment, or warrant issued, or notice printed in the public newspapers, as with respect to these several matters is required by the said act; or without any regard to the amount of the sum in which any such person may be indebted. And that it shall be lawful for the trustees to apply and expend such sum out of any surplus which may be remaining in their hands, after paying all the debts of the prisoner which shall come to their knowledge, for the maintenance of the wife and children, and education of the children of such person, as the chancellor, or a judge of the supreme court, or the judge of a county court, or mayor or recorder of a city, shall from time to time, allow.

Certain  
persons  
imprisoned  
deemed ab-  
sconding  
debtors.

*And be it further enacted*, That whenever any person against whom such proceedings as aforesaid shall be had, shall be lawfully liberated from the said prison, it shall be lawful for the said trustees, and they are hereby required, to deliver up to him or her all and singular the estate real and personal of such person, which may then remain in their hands after retaining a sufficient sum to satisfy all the lawful charges and expences which they may have incurred in the execution of their trust.

Property  
redeliv-  
ered on re-  
lease from  
prison.

*And be it further enacted*, That where any person so proceeded against, hath been or shall be imprisoned for life for an offence committed previous to the said twenty ninth day of March, it shall be lawful for the said trustees, and they are hereby required, after the payment of all debts due by such person, and retaining a sufficient sum to satisfy all lawful charges and expences as aforesaid, to convey and deliver the residue of the estate, real and personal of such person, to such person or persons as shall be legally entitled to the same —

Where  
prisoner  
sentenced  
for life.

Where  
prisoner  
attempts  
to escape.

*And be it further enacted,* That if any person imprisoned in the said prison, otherwise than for life, shall attempt to escape, or shall aid any other person imprisoned in the said prison to escape, or attempt to escape from the same, he or she shall be deemed guilty of a misdemeanor, and shall on conviction be adjudged to be imprisoned in the said prison for such further term, not for life, after the determination of the term for which such person had, at the time when the said misdemeanor was committed, been adjudged to be imprisoned, as the court shall in their discretion deem proper; and the court before whom a person may be indicted for the misdemeanor aforesaid, may from time to time, by order of the court, to be directed to the inspectors of the said prison, order the defendant in such indictment, and every other person imprisoned in the said prison (being a competent witness) to be brought before them, and also to assign counsel to the defendant, which counsel shall at all convenient times be permitted to converse in private with such defendant in the said prison.

Assisting  
prisoner to  
escape.

*And be it further enacted,* That if any person shall after the passing of this act, in any manner howsoever aid or assist any person confined in the said prison to escape or attempt to escape from the same, he she or they shall be deemed guilty of a misdemeanor, and shall on conviction thereof in due form of law, be adjudged to be imprisoned in said prison at hard labour for such term of time, as the court in which such conviction may be had, shall in their discretion deem proper, not exceeding ten years.

*And whereas* upon settling the accounts of the inspectors of the State prison, for the support of the prisoners to the first day of January one thousand seven hundred and ninety nine by the late comptroller, he certified, that the sum of two thousand seven hundred and sixty nine dollars and thirty one cents, remained in their hands to be accounted for out of the sum received by them for the purpose aforesaid. *And whereas* the said inspectors have received out of the treasury in the course of the last year, the further sum of ten thousand dollars for the support of the prisoners and other charges mentioned in the third section of the "act concerning the State prison" passed the fifteenth day of February one thousand seven hundred and ninety nine, and it is suggested by them, that their expenditures for the purposes aforesaid, and in the last year, have exceeded the appropriations for the same purposes, by three thousand seven hundred and thirty-nine dollars and sixty two cents. Therefore,

Appropriation to  
prison in-  
spectors.

*Be it further enacted,* That it shall be lawful for the treasurer on the warrant of the comptroller to pay to the said inspectors, such balance as shall be found and certified by the comptroller to be due to them on account of their said expenditures, beyond the said several sums above mentioned.

Id.

*And be it further enacted,* That it shall be lawful for the said treasurer on the warrant of the comptroller, to pay to the said inspectors the further sum of eight thousand dollars, to be used by them as a capital stock for the purpose of purchasing tools, and raw materials for the manufactures that may be carried on in the said prison.

Applica-  
tion of  
moneys.

*And be it further enacted,* That the said inspectors are hereby authorized and directed to pay out of the monies arising on the sales of articles manufactured in the said prison such sums as may be requisite from time to time for the support of the prisoners and the expences of conveying them to the said prison and other necessary expences not specially provided for.

*And be it further enacted,* That the deputy keeper of the said prison shall hereafter be allowed at and after the rate of four hundred dollars per year, as a compensation for his services, to be paid in the same manner as the assistant keepers are by an act concerning the State prison directed to be paid; and also that in addition to the salary already paid him, during the last year, it shall be lawful for the treasurer on the warrant of the comptroller to pay him a further sum of one hundred and fifty dollars.

Salary of deputy keeper.

*And whereas* it is necessary, to the safety of the prison, that there should be no intercourse or communication between the prisoners confined in the said prison and persons not belonging to or permitted by law to visit the said prison, without the knowledge and consent of the inspectors of the said prison, or one of them. Therefore.

*Be it further enacted,* That it shall be deemed an offence against the people of this State for any assistant keeper of the said prison, or any servant labourer or workman employed in or about the said prison, or for any other person, to convey out of, or bring into the said prison, by request, desire or procurement of any prisoner confined in the said prison, or by any other person, any letter or writing whatsoever, without leave of the inspectors or some or one of them so to do. And that it shall also be deemed an offence against the people of this State for any assistant keeper, or any servant labourer or workman employed about the said prison, or for any other person not permitted by law *ex officio* to visit the said prison without such leave as last aforesaid, to make any verbal or parol communication between any person confined in the said prison, and any person not a prisoner in the said prison, and not belonging thereto, and not having a right *ex officio* to visit the same.

Correspondence of prisoners.

*And be it further enacted,* That the comptroller shall be and he is hereby authorized to allow and admit a charge made by the said inspectors for monies paid and expended by them for watching the State prison in the year one thousand seven hundred and ninety eight; provided the same not exceed the sum of seven hundred and fifty seven dollars and sixty two cents.

Certain expenses to be paid.

*And be it further enacted,* That any person who shall hereafter be duly convicted of the crime of perjury or subornation of perjury, or of aiding or assisting any prisoner lawfully committed to or detained in any gaol for any felony whatsoever in escaping, or attempting his or her escape from such gaol, though no escape be made, or of conveying any disguise, instrument or arms into any gaol, to and for the use of any such prisoner so committed or detained as aforesaid, with intention to facilitate his or her escape, though no escape be made, or attempted to be made, shall instead of that part of the punishment which is now annexed to those crimes, be punished with imprisonment and hard labour in the State prison; and the court or judge before whom such conviction shall be had, shall upon consideration of all the circumstances of the case, order, award and adjudge such person so convicted, to imprisonment in the State prison at hard labour for any term not exceeding ten years, according to the nature and aggravation of the offence.

Imprisonment at hard labor to be imposed in certain cases.



## CHAP. 61.

AN ACT in addition to an act entitled "An act concerning conveyances by British subjects.

PASSED the 25th of March, 1800.

Acknowledgment taken before United States minister to England.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That all proofs and acknowledgments of deeds and conveyances made by any British subject actually residing in the kingdom of Great Britain or the dominions thereunto belonging, to any citizen or citizens of this State of any lands tenements or hereditaments situated in this State, or any power of attorney relating to the sale or disposition of the same, taken before, or made or acknowledged or hereafter to be taken made or acknowledged before the minister of the United States resident in Great Britain for the time being shall be of the like validity force and effect as if the same was, or had been taken or made before a judge of the supreme court of this State.

## CHAP. 62.

AN ACT for the relief of Mary Sturges.

PASSED the 25th of March, 1800.

Preamble.

WHEREAS Mary Sturges hath by her petition to the legislature represented that she has been possessed of a farm in the town of Franklin in the county of Dutchess, purchased by Samuel Delavan on the nineteenth day of April one thousand seven hundred and eighty one, of the commissioners of forfeitures for the middle district, for the consideration of two hundred and sixty nine pounds ten shillings, and that Daniel Babbit hath lately evicted the said Mary Sturges by due course of law, and that the said Mary Sturges hath received no manner of compensation for valuable improvements made on the said farm by her. And the said representation having been satisfactorily proved. Therefore,

Settlement of claims of Daniel Babbit.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That it shall be lawful for the attorney general the comptroller and the surveyor general, or any of them, and they are hereby directed, to \*to extinguish the right and claim of the said Daniel Babbit, of, in, and to the said farm of land, and of in and to all demands for mesne profits thereon upon the best terms that can be obtained. *Provided* that the sum of money to be given to the said Daniel Babbit, shall not exceed the said sum of two hundred and sixty nine pounds ten shillings, with interest at the rate of six per cent per annum from the nineteenth day of April one thousand seven hundred and eighty one; which extinguishment shall enure to the benefit of such persons as are legally entitled to the said farm under the said conveyance to the said Samuel Delavan; and the treasurer is hereby directed to pay on the warrant of the comptroller, out of any monies in the treasury not otherwise appropriated, such sum as shall be agreed

\* So in the original.

to be given to the said Daniel Babbit for the extinguishment of his claim and title.

*And be it further enacted,* That the treasurer is hereby authorized and directed on the warrant of the comptroller to pay to the said Mary Sturgis such sum of money for the costs charges and injuries incurred by her in the defence of the said suit, as the attorney general shall certify to be reasonable and just under the circumstances of the case. Appropriation to Mary Sturgis.

*And be it further enacted,* That in case the said settlement cannot be effected with the said Daniel Babbit, then it shall be lawful for the treasurer and he is hereby required, to pay to such persons as are legally entitled to the said farm under the conveyance to the said Samuel Delavan, the said sum of two hundred and sixty nine pounds ten shillings with the interest at six per cent per annum from the nineteenth day of April one thousand seven hundred and eighty one. And the attorney general the comptroller and the treasurer are hereby authorized to ascertain and determine who are legally entitled to the said farm under the said conveyance. Appropriation in case claim cannot be settled.

## CHAP. 63.

**AN ACT** to direct the distribution of the money appropriated by law for the encouragement of schools in the counties of Orange and Rockland.

PASSED the 25th of March, 1800.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That the treasurer of this State on the warrant of the comptroller shall pay unto John Suffern who was treasurer of the county of Orange at the time the county of Rockland was erected out of part of the said county of Orange the sums of money due to the said county of Orange in and by the act entitled "An act for the encouragement of schools passed the ninth day of April one thousand seven hundred and ninety five. Orange county school moneys.

*And be it further enacted* That it shall be the duty of the said John Suffern and he is hereby required immediately on the receipt of the said monies to distribute the same among the respective towns of the counties of Orange and Rockland in the same proportions and in like manner as he ought to have done in and by the said act had not the division of the said county of Orange taken effect. And that the said John Suffern shall account to the respective boards of supervisors of the said counties of Orange and Rockland at their next annual meeting the manner in which he has distributed the said monies. Distribution of moneys to Rockland county.

## CHAP. 64.

**AN ACT** complying with the act of Congress, respecting balances reported against certain States, by the commissioners appointed to settle the accounts between the United States and the several States.

PASSED the 28th of March, 1800.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That this State doth hereby engage to expend within five years after the passing of this act, in erecting, enlarging Expenditures to fortifications.

and compleating fortifications within this State, for the defence of the United States, at such place or places, (the jurisdiction whereof shall be previously to such expenditure ceded by this State to the United States, with reservation that process civil and criminal, issuing under the authority of this State, may be served and executed therein) and according to such plan or plans, as shall be approved by the president of the United States, a sum in money which with the sums already expended by this State, since the establishment of the present government of the United States, in fortifying any place within this State, and for which this State may be credited as herein after mentioned, shall be equal to the sum assumed by the United States, in the debt of this State, upon the principles mentioned and contained in the act of Congress entitled "An act respecting balances reported against certain States by the commissioners appointed to settle the accounts between the United States and the several States."

Settlement  
with the  
United  
States for  
military  
stores.

*And be it further enacted,* That it shall be lawful for the comptroller of this State, and he is hereby authorised and required to liquidate and settle with the secretary of the treasury of the United States, the sum for which this State is to be credited, according to the directions of the said act of Congress for money expended in fortifying any place in this State, including the cannon and military stores belonging to this State, now in or appertaining to such fortifications, and to procure credit to be given to this State, on the books of the United States for the same, as well as for the sum hereby engaged to be expended in erecting, enlarging and compleating fortifications for the defence of the United States, and also to settle with the secretary of the treasury of the United States, the rate at which credits shall be given for the money which shall be expended by virtue of this act.

Appropriation.

*And be it further enacted,* That the sum of twenty thousand dollars shall be and hereby is appropriated for the purpose aforesaid, in the present year which sum shall be paid out of any unappropriated monies that may be in the treasury and shall be expended in erecting, enlarging and compleating fortifications in this State, for the defence of the United States — according to the directions of the said act of Congress, and the person administering the government of this State, shall be and hereby is required to procure the necessary plans and directions for the purposes aforesaid, and to appoint and employ such agent or agents as he may deem proper to superintend the work and to purchase the requisite materials which agents shall be respectively accountable to the United States, if required, as well as to this State, for the expenditure of all money to be received by them.

Settlement  
with secre-  
tary of  
treasury  
for fortifi-  
cations.

*And be it further enacted,* That the comptroller is hereby authorised and required to liquidate and settle with the secretary of the treasury of the United States, the sum of money expended by this State, in recently erecting fortifications in the city of New York and for the fortifications on the northern and western frontiers of this State including the cannon and military stores now in or appertaining to such fortifications, and to procure credit to be given to this State on the books of the United States for the same, provided any law for that purpose shall be passed by the Congress of the United States.

Places to  
be fortified.

*And be it further enacted* That if it shall be deemed necessary to expend, under the directions of the president of the United States, the whole or any part of the sum by this act engaged to be expended, in erecting, enlarging or compleating fortifications on York Island or

in any other place in this State, it shall be lawful so to do, provided the Congress of the United States shall dispense with the cession of the jurisdiction of the place or places to be fortified.

## CHAP. 65.

AN ACT authorizing a further sum of money to be raised for repairing the court house in the county of Herkimer, and for other purposes.

PASSED the 28th of March, 1800.

WHEREAS the supervisors of the county of Herkimer have, by their petition, requested a law to authorize them, to raise the further sum of one hundred and sixty dollars, for the purpose of repairing, the court-house in said county: Therefore, Preamble.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That the supervisors of the county of Herkimer, be and they are hereby required to levy and raise, on the freeholders and inhabitants of the said county, the sum of one hundred and sixty dollars, together with the collector's and treasurer's fees thereon, which sum shall be raised, levied, and collected, in like manner as the other necessary and contingent charges of the said county, are by law levied and collected. Tax levy in Herkimer county.

*And be it further enacted,* That the said sum of one hundred and sixty dollars shall be collected and paid into the treasury of said county, on or before the first Monday in November next, and the treasurer of said county is hereby required, to pay the said money to the order of the commissioners appointed to repair the said court house, retaining in his hands, one cent on the dollar for receiving and paying the same. When to be collected.

*And be it further enacted,* That the said commissioners shall account with the supervisors of the said county, for the money so by them to be received and expended, for the purpose aforesaid, when thereunto required. Accounting for moneys.

*And be it further enacted,* That the boards of supervisors of the counties of Oneida and Chenango, are hereby respectively directed and required to audit, and allow an equal fourth part of the account of Chauncey Woodruff, sheriff of the county of Herkimer, for such charges and expenditures, as he may have incurred in repairs, done to the gaol of the said county of Herkimer, and also in maintaining a guard, to secure the safe custody of the criminals confined therein; and the said board of supervisors of the county of Oneida, are also directed and required to audit the account of Joseph Meyers for maintaining and boarding Major Watson, and to allow therefor such sum as the said Joseph Meyers ought to have, and is usual in such cases; and also to audit the account of the said sheriff of the county of Oneida, for his charges in apprehending the said Major Watson, which several sums the said boards of supervisors are further directed and required to cause to be assessed, levied and collected in their respective counties, and paid to the said Chauncey Woodruff, Joseph Meyers, and the said sheriff of the county of Oneida. Allowance for repairs to Herkimer jail to be made by Oneida and Chenango counties.

Allowance  
of accounts  
in future.

*And be it further enacted,* That hereafter, and as long as the gaol of the county of Herkimer, shall continue to be the gaol of any other county, the boards of supervisors of the several counties who use the said gaol, shall audit and allow an equal part of all accounts for necessary expences in guarding the prisoners therein; and the said boards of supervisors shall respectively audit and allow the accounts of the gaoler of the said gaol, for maintaining such prisoners as may be committed by any justice of the peace of the said respective counties.

Misdemeanor for non-compliance by supervisors.

*And be it further enacted,* That a non compliance with the true intent and meaning of this act, by any of the said boards of supervisors shall be deemed and adjudged a misdemeanor in the individual supervisors refusing or neglecting a compliance therewith, and shall be punishable by fine or imprisonment in the discretion of the court or justice by whom any such conviction shall be had.

Tax levy in Oneida to pay claim against sheriff.

*And be it further enacted,* That it shall and may be lawful to and for the supervisors of the county of Oneida, and they are hereby required to cause to be levied and collected in like manner as the contingent charges of the county, are by law directed to be levied and collected, the sum of one hundred and forty six dollars and ninety nine cents, being the amount of an execution of Henry Eake against one Samuel Hinckley, which the sheriff of the said county of Oneida has become liable to pay, in consequence of the escape of the said Samuel Hinckley by reason of the insufficiency of the gaol of the county of Herkimer, in which the said Samuel was by law confined; together with the costs of a suit commenced against the said sheriff in the supreme court of judicature, for and on account of the said escape; and the said supervisors upon such collection, shall take order for the payment of the amount thereof to Elizur Mosely esquire, sheriff of the said county of Oneida.

## CHAP. 66.

AN ACT to empower of James Galloway to erect a dam across Mud creek in the county of Ontario heretofore declared a public highway.

PASSED the 28th of March, 1800.

Preamble.

WHEREAS it appearing necessary for the convenience of the inhabitants living on the Mud Creek in the county of Ontario, that a mill should be erected on said creek in the township number twelve in the second range of townships therefore

James Galloway empowered to erect mill dam.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That for the purpose before mentioned, it shall be lawful for James Galloway of the town of Palmyra, in the county of Ontario, to erect a dam across the said creek within the bounds of the township number twelve in the second range of townships for the purpose of supplying a mill with water — but that the navigation of the said creek be not impeded by the dam hereby allowed to be erected, it shall be the duty of the said James Galloway his heirs and assigns to make or cause to be made on said dam so allowed, a sufficient lock or canal to permit the passing of boats or rafts not less than twelve feet in width, and which all persons shall have the liberty of passing at all times, free of expence; and it shall also be the duty of

the said James Galloway his heirs and assigns to keep the said lock or canal in good repair as long as the said dam is continued across the said creek.

*And be it further enacted* That if the said James Galloway his heirs or assigns shall unreasonably delay or hinder any person or persons with rafts or boats from passing said lock or canal he or they shall for every such offence forfeit and pay the sum of two dollars for every hours detention, to be recovered with costs, before any justice of the peace of the county of Ontario for the sole use of the person so unreasonably delayed.

Unreasonable delay to rafts or boats.

## CHAP. 67.

AN ACT to amend an act entitled "An act to divide the county of Clinton, and for other purposes."

PASSED the 28th of March, 1800.

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That the treasurer of the county of Clinton shall out of the first monies which may come into his hands, pay to the order of the commissioners of schools in any town now included in the county of Essex all monies which such town may be entitled to, in the same manner as if the said county of Clinton had not been divided agreeable to the intention of the act for the encouragement of schools passed the ninth day of April one thousand seven hundred and ninety five.

School monies for Essex county.

*And be it further enacted* That all losses which may arise from deficiencies on loans by the loan officers of the county of Clinton made on lands mortgaged and which are situated in the county of Essex shall be paid in manner following that is to say, such deficiency as shall arise from lands mortgaged while part of the county of Clinton shall be borne by the inhabitants in that part of the county of Essex taken from the county of Clinton; and the like rule shall prevail as to any deficiency which may arise on loans made on lands mortgaged in the present county of Clinton by the loan officers of the said county, and for that purpose the said loan officers shall certify the amount of such deficiencies to the supervisors of the county in which such deficiency shall arise who shall thereupon assess, levy and collect the same upon the principles aforesaid, and pay the same over to the loan officers of the said county of Clinton, and the future meetings of the loan officers of the county of Clinton for the discharge of the duties enjoined by the act entitled "An act for loaning monies belonging to this State" shall be at the court house in the town of Plattsburgh and it shall be the duty of the supervisors of the said counties of Clinton and Essex respectively at their annual meeting on the last Tuesday of May in every year to nominate and appoint a committee of three of their board in each county who shall in conjunction with one judge of the court of common pleas from each of the same counties respectively meet together at the court house in Plattsburgh on the first Tuesday of October in every year, and they or a majority of them shall then and there do and perform the duties enjoined on the judges and supervisors of the former county of Clinton by the twentieth section of the said last recited act.

Losses on loans.

Highway  
moneys.

*And be it further enacted* That the monies levied in that part of Clinton county which now constitutes Essex county (by order of the late superintendants of highways for the county of Clinton) to be appropriated to the use of the respective towns now comprised in Essex county which remain undisposed of on the first day of March one thousand seven hundred and ninety nine the amount of which being first certified by the late superintendants aforesaid shall be paid by the treasurer of the county of Clinton to the order of the present superintendants of highways of the county of Essex or of a majority of them, out of any monies which may come into his hands: *Provided nevertheless* that such sums of money as yet remain uncollected by order of the treasurer of the county of Clinton and due from the towns now comprised in Essex county shall be credited in the estimate aforesaid and shall be paid to the treasurer of the county of Essex who is hereby authorised to issue his warrant for the collection thereof as in other cases authorised by law.

Election of  
assembly-  
men.

*And be it further enacted* That until other provision is made by law the freeholders and inhabitants of the county of Essex shall give their votes for one member of the assembly in the same manner as if the act entitled "An act to divide the county of Clinton" had not been passed; and the inspectors after closing the poll holden on the last day of any such election shall proceed agreeable to the directions of the act entitled "An act for regulating elections" passed the twenty seventh day of March one thousand seven hundred and ninety nine, and the statements or certificates taken in the county of Essex shall be delivered by the clerk of the said county or his deputy to the clerk of the county of Clinton and the same together with the statements or certificates taken in the county of Essex at any such election shall be canvassed by the clerk of the county of Clinton who shall (without delay after the day appointed for delivering to him such certificates as aforesaid shall have elapsed) calculate and ascertain the aggregate amount or whole number of votes given for the respective candidates or persons voted for as members of the assembly at any such election and shall thereupon determine (conformable to such statements or certificates delivered to him as aforesaid) upon the person duly elected by the greatest number of votes as member of assembly for such counties, and shall after entering such determination of record, cause to be delivered to the person so elected as member of assembly as aforesaid a brief certificate of such election, and the clerk of the county of Clinton shall be allowed twenty five cents per mile for transporting such statements or certificates as aforesaid, which money shall be allowed by the supervisors, and paid as other contingent charges of Clinton county are paid and satisfied.

Noxious  
weeds.

*And be it further enacted* That it shall and may be lawful for the freeholders and inhabitants of the several towns in the counties of Essex and Clinton at their respective annual town meetings or at any other town meeting held for that purpose to make provision for destroying noxious weeds, on the lands and at the exclusive expence of those who shall be actually residing in the said towns respectively.

Jail of  
Clinton  
county.

*And be it further enacted* That the block house in the county of Clinton shall when completed be deemed to be the gaol of the said county until another sufficient gaol shall be erected in and for the same; and until other sufficient provision can be made in the premises it shall also be lawful to and for the sheriff of the said county of Clinton at his discretion to commit any of his prisoners to the gaol of

the county of Washington there to be detained until they shall be thence legally discharged.

*And be it further enacted* That the act passed the third day of March one thousand seven hundred and eighty nine directing the sheriff of the county of Clinton to confine his prisoners in the gaol of the county of Albany, and also the seventh section of the act entitled "An act to divide the county of Clinton" be and the same is hereby repealed. Act recited repealed.

*And be it further enacted* That the treasurer of this State is hereby authorised and directed to pay to the treasurer of the county of Delaware a proportion of the monies appropriated for the encouragement of schools by an act passed the third day of April one thousand seven hundred and ninety nine, entitled "An act to raise a sum of money for the use of the State by tax, and for the further support of government" which proportion shall be ascertained in the manner directed by the last section of an act entitled "An act for raising a sum of money for building a court house and gaol in the county of Delaware and for other purposes therein mentioned" passed the fourth day of April one thousand seven hundred and ninety eight. Appropriation from school monies to Delaware county.

*And be it further enacted* That the supervisors of the county of Delaware at their next annual meeting shall apportion the monies so to be paid to the said county treasurer among the several towns agreeable to the mode prescribed in and by an act entitled "An act for the encouragement of schools" passed the ninth day of April one thousand seven hundred and ninety five, which apportionment when made shall be notified to the several towns by the clerk of the board of supervisors without delay by filing a copy of such apportionment in the clerks office of each town in said county. Apportionment of moneys.

*And be it further enacted* That the clerks of the several towns on receiving such apportionment shall forthwith cause notice thereof to be given to the people by advertisement to be put up in at least three of the most publick places in said town, which advertisement shall also point out a time not less than ten nor more than fifteen days thereafter for the freeholders and inhabitants of such town to meet at the usual place of holding town meeting, for the purpose of choosing three commissioners to receive the monies belonging to said town, from the treasurer of the county, which commissioners when chosen shall be and hereby are authorised to receive from said treasurer the proportion of monies belonging to such town, and it is hereby made the duty of said commissioners to pay out said monies agreeable to the directions contained in the above recited act passed the ninth day of April one thousand seven hundred and ninety five to the trustees of the several schools in their respective towns to be by them distributed among the several inhabitants entitled to the same by virtue of the last recited act. Commissioners of schools in towns.

*And be it further enacted* That it shall and may be lawful for the treasurer of the county of Albany to distribute among the inhabitants of the county of Green formerly belonging to the county of Albany such proportion of the money appropriated for the encouragement of schools as they would have been entitled to receive if they had remained a part of the said county of Albany and further that the same rule shall be observed by the treasurer of the county of Ulster with respect to the inhabitants of those parts of the county of Green and Orange which formerly belonged to the said county of Ulster. School moneys for Greene county.



Congress-  
sional dis-  
trict.

*And be it further enacted* That the said county of Green shall be and is hereby annexed to the district composed of the counties of Ulster, Orange and Delaware for the purpose of electing members to represent said district in the congress of the United States —

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## CHAP. 68.

### AN ACT for the relief of Robert Johnston.

PASSED the 28th of March, 1800.

**Preamble.** WHEREAS it appears that the commissioners of forfeitures for the middle district of this State on the sixteenth day of May in the year of our Lord one thousand seven hundred and eighty one for the consideration of two thousand seven hundred and fifty pounds in certificates did sell and convey to William Smith a certain tract of land with the appurtenances situate in the county of Dutchess and forfeited to the people of this State by the attainder of Beverly Robinson and Susanna his wife and Roger Morris and Mary his wife.

*And whereas* it is represented to the legislature that the said farm or tract of land was afterwards sold and conveyed by the said William Smith to Robert Johnston, and that the said conveyance so executed by the commissioners of forfeitures aforesaid hath been accidentally consumed by fire; Therefore,

Abstract  
declared  
legal evi-  
dence of  
deed.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the abstract or return of the said conveyance made and returned by the commissioners of forfeitures for the middle district in and to the clerk of the county of Dutchess, and now on file or of record in his office shall in all courts of law or equity within this State be deemed and held as legal evidence of the existence of such deed and of all the matters and things in the said abstract contained to all intents and purposes as if the said original conveyance was or could be produced, and shall be adjudged to have vested from the date of the said conveyance in the said William Smith his heirs and assigns all the right and title of the people of this State of in and to the premises in the said abstract or return specified and contained.

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## CHAP. 69.

AN ACT to amend an act entitled "An act to establish a turnpike corporation, for improving the road from the city of Hudson, to the line of Massachusetts, on the route to Hartford.

PASSED the 28th of March, 1800.

**Preamble.** WHEREAS the president and directors of the Columbia turnpike company have by their petition represented to the legislature, that several defects exist in the act incorporating said company, and have prayed a modification thereof; Therefore,

Route of  
turnpike  
road.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the road mentioned and described in said act, shall commence near the dwelling house of Ezekiel Gilbert Es-

quire, in the city of Hudson, at a point to be determined by the president and directors aforesaid, and shall run thence to the Massachusetts line, by such rout as they shall direct, by the houses of Jacob Rutsen Van Rensselaer, Stephen Miller, Peter Mesick, and James Bedell in the town of Claverack, John Hagerman and the heirs of Ambrose Lattling deceased in the town of Hillsdale.

*And be it further enacted,* That the said corporation, by the president and directors, or by any agents, superintendants, artists, or other persons employed by them, may enter into any land, where they may deem it proper to construct said road, and to lay out, survey and labour on such routes or tracts, as shall be most eligible for a good and sufficient road, between the places aforesaid, and contract with the owner or owners for the purchase of so much thereof, as may be necessary for making said road, and erecting and establishing gates, toll houses and all other works to the said road belonging, and in case of disagreement between the said parties, respecting the damages to be done to said land, or if the owner or owners shall be feme covert, insane, under age, or out of the county, then it shall and may be lawful for the said president and directors, to apply to one of the judges or assistant justices of the court of common pleas, in and for said county of Columbia, not interested in said road, who is hereby authorized and required to nominate, and by an instrument in writing, signed by him, to appoint three commissioners being freeholders of the county and who shall not be inhabitants of any of the towns through which said road shall pass, and it shall be the duty of the said president and directors to cause a copy of such appointment to be served on each of said commissioners, who shall thereupon name a day for meeting on the said lands, and performing the duties required of them by this act, and also to give notice to the owner or owners of such lands, of the said appointment, and the day, being at least four days from the time of giving such notice, when and where the commissioners will meet for the purpose of examining the lands, and assessing the damages (except in case the owner or owners shall labour under any of the disabilities aforesaid, or be out of the county, in either of which cases, a copy of such notice may be left at the dwelling house of the party, (if any), or other notorious place on the land, through which said road shall pass;) *And further,* each of said commissioners shall, before he proceeds to exercise the trust reposed in him by this act, take and subscribe an oath before one of the justices of the peace in and for said county, that he will without favour or partiality, estimate and assess the damages which may be sustained by the owner or owners of any lands or improvements, which the said corporation may deem necessary for the said road, and the commissioners shall then proceed to view the premises and having determined the damages, shall make an inquisition under their hands and seals, or the hands and seals of any two of them, stating the amount of damages (if any), which each or any of the owner or owners of any parcel of land used or to be used for said road, have sustained, or shall sustain, which inquisition shall be acknowledged by the commissioners signing the same, before one of the judges aforesaid, and filed, together with the oath aforesaid, in the office of the clerk of the county of Columbia, who shall, at the expence, costs and charges of the president and directors aforesaid, enter the same of record in the book kept by him for recording deeds, and the said corporation paying to the several owners of said lands, the several sums awarded in the inquisition, shall have and hold to them, their successors and assigns forever, the lands and tenements

Power to  
take lands;  
appraisal  
of value.

described therein; and the president and directors aforesaid, shall pay to the judge who made the appointment of said commissioners, two dollars for his services and to each of the said commissioners, for every day necessarily attending the duties required of them by this act, two dollars and fifty cents.

Turnpike  
gates; rates  
of toll.

*And be it further enacted,* That the most westerly turnpike or gate on said road, shall be erected near the dwelling house of John Van Hoesen, in the city of Hudson; one other gate, near the dwelling house of James Bedell in the town of Claverack, and the most eastwardly gate at such place near the Massachusetts line aforesaid, as the president and directors aforesaid, shall direct; and that the following rates of toll and no more, shall be taken at the several gates or turnpikes, vizt: For a score of cattle, and in that proportion for a greater or less number, passing through said west gate nine cents, the middle and eastern gates, eighteen cents each; for a score of hogs or sheep, and in that proportion for a greater or less number, at the said west gate four cents, the middle and east gates, five cents each; for a horse and rider, a led, or driven horse, or mule, at said west gate, two cents, the middle and east gates, four cents each; for a sulkey, chair or chaise and one horse, and for each additional horse two cents, at said west gate, five cents, the middle and east gates, ten cents each; for a coach, coachee, chariot, phaeton or other four wheel pleasure carriage, at said west gate ten cents, the middle and east gates, eighteen cents each; for every stage coach or waggon, at said west gate, eight cents, the middle and eastern gates, sixteen cents each; for every waggon or cart, drawn by two horses, or two oxen, and one cent for every additional horse or ox, at said west gate, five cents, the middle and eastern gates, ten cents each; for every sleigh or sled drawn by two horses or oxen, and one cent for every additional horse or ox, at said west gate two cents, the middle and eastern gates, four cents each; for every other carriage at said west gate, two cents, the middle and east gates four cents each.

When no  
toll to be  
charged.

*And be it further enacted,* That all carriages, the rim of whose wheels shall be twelve inches in width, shall and may pass on said road, and through all, or any of the gates or turnpikes, free of toll.

Passage of  
vehicles.

*And be it further enacted,* That whenever any persons travelling in carriages or sleighs of any kind, meet on said road the person whose duty it shall be by law to turn out of the road, shall pass to the right of the centre of the road, and in default thereof, shall be subject to the penalty established by law for refusing to turn out of the road.

Votes of  
stock-  
holders.

*And be it further enacted,* That each stockholder shall be entitled to one vote for each share of stock held by him, not exceeding fifty shares, and to one vote for three shares beyond that number.

Road on  
west side  
of Hudson  
river.

*And be it further enacted,* That a road commencing on the west bank of Hudson's river, opposite to the city of Hudson, and running thence westerly, by the nearest and most convenient rout to the town of Freehold by the house of Stephen Platt, shall be deemed and considered part and parcel of the road erected and established by said recited act; and it shall and may be lawful for the president and directors aforesaid, at any time within two years after the passing of this act, if they shall deem it necessary, to open books of subscription in the manner prescribed by said act, and shall continue them, open, till a number of shares not exceeding one hundred and fifty, shall be subscribed, for the purpose of making and compleating the road aforesaid, as directed in and by said act.

*And be it further enacted,* That whenever said road, or any part thereof not less than five miles shall be compleated, and permission given, as by said act directed, it shall and may be lawful for the president and directors, to erect one turnpike or gate not less than five miles from the river aforesaid, to appoint a toll-gatherer, and to have and receive like toll, as is hereinbefore directed to be paid at the west gate aforesaid, and in like manner to erect and establish another turnpike or gate, near the dwelling house of said Stephen Platt, and to receive and have the like toll as is directed to be paid at either of the other gates aforesaid; and in case the road last aforesaid shall not be compleated, within six years from the passing of this act, the same, so far as it respects the said last mentioned road shall be void and cease.

Toll gates  
west of  
river.

*And be it further enacted,* That so much of the first section of the act hereby intended to be amended, as directs the place of beginning of said turnpike road, and the rout thence to the Massachusetts line, the provision in the second and seventh sections, and the eighth and ninth sections of said act, be and the same are hereby repealed.

Part of act  
repealed.

## CHAP. 70:

AN ACT making provision for the revision of the laws of this State.

PASSED the 28th of March, 1800.

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That James Kent and Jacob Radcliff shall be and are hereby authorized and appointed to collect and reduce into proper form under certain titles of acts all the public acts of the legislature of this State now in force and which may be in force during the time by this act allowed for the completion of the business hereby authorieed to be performed. And that they carefully collect and reduce into one act all the different acts or parts of acts which shall or may relate to the same subject or place which in their judgment shall be most useful, and render the said acts most plain and easily to be understood. And that in such acts they omit every or any part or parts of the acts before passed as shall have been previously repealed or shall have expired by their own limitation. And that they shall transcribe all such acts and parts of acts which shall be so collected and reduced into one act and lay the same before the legislature from time to time as they shall prepare the same, to be reenacted if the legislature shall think proper.

Commis-  
sioners to  
revise the  
laws.

*And be it further enacted* That the said James Kent and Jacob Radcliff may also present to the legislature with the respective acts to be transcribed and presented to the legislature from time to time in writing any contradictions, omissions or imperfections which may appear to them in the different acts or parts of acts they shall collect and reduce into one act, to the end that the same may be more easily reconciled, supplied and amended.

Contradictions  
and  
omissions.

*And be it further enacted* That the said James Kent and Jacob Radcliff shall collect and reduce into proper form under certain titles of acts all the other acts and parts of acts of the legislature of this State now in force and which may be in force during the time by this act allowed for the completion of the business hereby authorised to be performed, and transcribe and lay the same before the legislature from

Acts in  
force.

time to time as they shall prepare the same to be reenacted if the legislature shall think proper.

Opinion as  
to private  
acts.

*And be it further enacted* That the said James Kent and Jacob Radcliff may also present to the legislature with the last mentioned acts so transcribed respectively from time to time in writing their opinion whether any of the said acts affect an individual person merely, to the end that the legislature may the more easily determine whether the same ought to be reenacted and printed or not.

Public acts  
not in  
force.

*And be it further enacted* That the said James Kent and Jacob Radcliff do present to the legislature the titles of all public acts and acts which affect several persons or any district of country comprehending different persons as shall not then be in force, noting when they were respectively repealed or did expire, that the legislature may determine whether the same ought to be printed with the acts which may be reenacted and printed, or not.

Access to  
records.

*And be it further enacted* That the said James Kent and Jacob Radcliff shall and may from time to time have access to and be permitted to examine any of the records, books or papers in any of the public offices of this State without fee or reward, and to take therefrom temporarily any records, books or papers necessary for the purposes aforesaid, and it shall be the duty of the secretary of this State to assist them in the necessary searches and copying the records, books and papers which may be necessary to the end hereby proposed without fee or reward therefor.

Time al-  
lowed for  
complet-  
ing work.

*And be it further enacted* That the said James Kent and Jacob Radcliff shall be allowed the space of two years, to complete the transcribing the laws, and until the end of the next session of the legislature after the transcribing is completed to present the whole thereof to the legislature.

Evidence  
of printed  
copies.

*And be it further enacted* That the book or books of acts of the legislature printed by the printer to this State for the time being either before or after the passing of this act, shall be sufficient evidence prima facie of the existence of the acts therein mentioned.

Allowance  
for ser-  
vices.

*And be it further enacted* That the said James Kent and Jacob Radcliff shall be and hereby are allowed one thousand dollars each for the services hereby required of them; and the legislature will make provision by law for the payment of clerk hire and stationery necessary in the premises.

Vacancies.

*And be it further enacted* That the person administering the government of this State for the time being shall have power and is hereby required, in case the persons before named or either of them shall die or refuse to act in the premises to nominate and appoint another or others in his or their stead who shall have the like powers and be entitled to the like compensation as aforesaid.

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## CHAP. 71.

AN ACT granting certain powers to the mayor, aldermen and commonalty of the city of Schenectady and for other purposes therein mentioned.

PASSED the 28th of March, 1800.

By-laws re-  
specting  
strays.

*Be it enacted by the People of the State of New York represented in Senate and Assembly*, That it shall and may be lawful to and for the mayor aldermen and commonalty of the city of Schenectady in com-

mon council convened, and they are hereby authorised from time to time to make such bye laws as they may conceive necessary for restraining any horses hogs, cows or any other cattle, from running at large on the flatts commonly called the Bowland, and the islands distinguished by the name of Van Slyck's Wemple's and Fonda's islands lying within the bounds of the said city.

*And be it further enacted* That it shall and may be lawful for the freeholders and inhabitants of the third and fourth wards of said city at their annual meeting to make such regulations respecting the said wards as the freeholders and inhabitants of the several towns in this State are allowed by law to make. *Provided* such regulations be not contrary to or inconsistent with the powers vested in the corporation of said city.

By-laws  
for third  
and fourth  
wards.

*And be it further enacted* That the seventh section of the act entitled "An act to appoint trustees to take and hold certain lands therein mentioned and for other purposes" passed the fifth day of April one thousand seven hundred and ninety shall be and hereby is repealed.

Part of act  
repealed  
repealed.

## CHAP. 72.

AN ACT relative to town meetings in certain towns therein mentioned.

PASSED the 28th of March, 1800.

WHEREAS doubts are entertained; whether certain towns formed at the present session of the legislature will receive notice by reason of their distance, so as to hold town meetings therein for the present year, on the day appointed by law for that purpose. For remedy whereof.

Preamble.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That it shall and may be lawful, for any such town which shall not hold a town meeting for the election of town officers and other necessary business on the day appointed by law, to hold such town meetings for the present year, on the third Tuesday of April next, any thing in any former law to the contrary notwithstanding.

Town  
meetings  
in case of  
failure on  
day ap-  
pointed.

## CHAP. 73.

AN ACT to amend an act entitled "An act concerning sheriffs and the service and return of process," and the act entitled "An act concerning coroners" passed the 24th of February 1798.

PASSED the 28th of March, 1800.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That instead of the sum mentioned in the first section of the act entitled "An act to amend an act entitled "An act concerning sheriffs, and the service and return of process" and the act entitled "An act concerning coroners" passed the 24th of February 1798," and in which security is to be given by sheriffs, it shall be lawful for the sheriffs already appointed in the counties here-

Bonds by  
sheriffs in  
certain  
counties.

after mentioned, and who have not given security as by the said act is required, or who may be hereafter appointed in the counties of Delaware, Tioga, Cayuga, Onondaga, Ontario, Steuben, Essex and Clinton, to enter into such bond as in the said first section of the said act is prescribed, with any number of sureties, such as is therein mentioned not exceeding six, and it shall be sufficient for each surety to make oath, that he is a freeholder of this State, and is worth such part of ten thousand dollars as shall be proportionate to the number of sureties bound in such bond over and above all debts whatsoever owing by him which oath shall be endorsed and subscribed, and the competency of the sureties shall be adjudged of, and determined on according to the directions of the first section of the said act hereby amended.

## CHAP. 74.

### AN ACT for the preservation of salmon in certain rivers running into lakes Ontario Erie and Champlain.

PASSED the 28th of March, 1800.

**Preamble.** WHEREAS it is represented to this legislature by a number of the inhabitants of the town of Mexico and others of the county of Oneida, that the salmon fishery in the rivers or creeks running into the eastern part of Lake Ontario has lately been greatly injured by persons from Canada and other places drawing seines, setting nets, erecting wears, and making other obstructions to prevent the salmon from going up the said rivers or creeks, to the great injury of the new settlers and others in that part of the country. Therefore

Net fishing prohibited in certain streams.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That every person who shall after the first day of June next draw any seine, set any net, make any wear or other obstruction in the rivers called the big Salmon river or creek, the little Salmon river or creek, the great Sandy river or creek, and the little Sandy river or creek, or within one hundred rods from the mouths thereof, to direct the salmon in their usual course in going up the said rivers or creeks, the person or persons so offending, for every such offence shall forfeit the sum of twenty five dollars, besides the salmon he or they may take by such seine, net, wear or other obstruction in the said rivers or creeks or within one hundred rods of the mouth thereof to be recovered in an action of debt with costs of suit in any court having cognizance of the same, the one half of which forfeiture when recovered shall be paid to the prosecutor, and the other half to the overseers of the highways of the town or place where such recovery shall be had, to be applied to the repairing of the roads in such town or place.

Penalty for erecting dams without fishways.

*And be it further enacted,* That if any person or persons shall make any dam across any part of the said rivers or creeks below where salmon are found so as to prevent the usual course of the salmon from going up the said rivers or creeks, the person or persons so offending, shall for every such offence forfeit the sum of five hundred dollars to be recovered as aforesaid for the uses aforesaid and such dam shall be deemed a public nuisance, and be removed as other public nuisances are by law.

*And be it further enacted* That the owner or owners of mill-dams or other dams now erected or made across any of the said rivers or creeks, or across any river or creek running into lakes Ontario Erie or Champlain so as to prevent the usual course of the salmon from going up the said rivers or creeks shall\* shall within eighteen months after the passing of this act so alter such mill-dam or other dam by making a slope thereto, not exceeding forty five degrees and planked in such smooth manner that salmon may easily pass over into the waters above the dam, or by removing the obstructions of such dam in any other manner so that the salmon may freely pass into the waters above such dam on penalty of two hundred dollars to be recovered as aforesaid for the uses aforesaid. And in case such mill-dam or other dam shall not be so altered as aforesaid within the time above mentioned for that purpose, such mill-dam or other dam, shall be deemed a public nuisance, and as such shall be removed in like manner as public nuisances are by law removed.

Alteration  
of dams in  
certain  
streams.

## CHAP. 75.

AN ACT directing the surveyor general to sell certain vacant lands in the counties of Orange and Rockland.

PASSED the 28th of March, 1800.

WHEREAS John Hathorn, Peter Townsend, William Hause Hezekiah Mead Samuel Drew, Ezra Sandford, James McCann William Booth, Daniel Benedict Abner Patterson, William Ellis, David Sandford Thomas Sandford David Hawkins Samuel Ketchum, Henry Wisner, Henry Bush Samuel Bush, Abraham Smith, John Smith, Adolphus Shurt, Nicholas Conclin John Becraft and John Jenkins by their petition presented to the legislature have stated, that they are settled on, and improved lands in Orange county under the proprietors of the pattent of Wawayanday, which lands have been adjudged to be unpattented and belong to the people of this State, and are included with other lands not settled on, or improved as aforesaid within the following boundaries, to wit, southwesterly by the State of New Jersey, northerly by a line running from the thirty first mile stone in the line of division between this State and the State of New Jersey to a monument erected by commissioners at the north west corner of a tract of land granted to Daniel Honan and Michael Hawdon, called Kakiate, and easterly and southerly by pattented lands; and by their said petition have prayed, that they may be quieted in their said possessions, and to purchase\* in addition thereto such other quantity of vacant land within the boundaries aforesaid, and on such terms as the legislature shall direct. Therefore,

Preamble.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That it shall and may be lawful for the surveyor general to grant to each of the petitioners above named, all the estate, right title and interest of the people of this State of in and to the lands improved by them respectively with such other vacant lands within the said boundaries to the amount of not less than one hundred acres and not more than four hundred acres including their re-

Grants to  
persons  
named.

\* So in original.



spective improvements, they paying therefor not less than the sum of twenty five cents per acre.

Convey-  
ances;  
mortgages.

*And be it further enacted,* That the surveyor general shall execute conveyances to the said petitioners respectively at their expence of the said lands including their improvements, in the form prescribed in and by the act entitled "An act for the better support of the Oneida Onondaga and Cayuga Indians and for other purposes therein mentioned, and unless the purchase money be then paid into the treasury shall immediately thereafter take from each purchaser on the lands so conveyed to them a mortgage to secure the purchase money and interest in the form prescribed in the said act, and shall cause such mortgages to be registered in the office of the clerk of the county in which the lands so mortgaged shall be situated, and then deliver the mortgages to the comptroller of this State.

*And whereas* disputes may arise between the said petitioners respecting the extent of their possessions or improvements. Therefore.

Disputes  
over pos-  
sessions.

*Be it further enacted,* That it shall be the duty of the surveyor general to appoint three discreet freeholders not interested in the premises, who are hereby authorised and required to examine also at the expence of the possessors the disputes of the said possessors, relative to their possessions and to report thereon to the surveyor general in writing which report shall be final and conclusive between the parties concerned as to the extent of the boundaries aforesaid.

## CHAP. 76.

AN ACT to vest in the United States the title to certain lands on Staten Island.

PASSED the 1st of April, 1800.

Preamble.

WHEREAS in and by the act of the legislature of this State entitled "An act to provide against infectious and pestilential diseases" passed February the 25th 1799, provision is made to vest in this State the fee simple of a tract of land not exceeding thirty acres on the easterly part of Staten Island. *And whereas* the United States have laid out and expended a large sum of money in making improvements on the said tract for the purpose of facilitating commerce and collecting duties in the port of New York, and are desirous of expending more money for the same purpose. Therefore

Grant to  
the United  
States.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the governor of this State for the time being (as soon as this State shall become vested with title to the said tract in pursuance of the said act) shall be and hereby is authorized to grant to the United States the fee simple of such part of the said tract, not exceeding five acres on which the said improvements have been made, together with so much land under the water contiguous thereto, as to him may appear necessary for the purpose aforesaid, for such sum or consideration as the State shall pay for the same, *provided* that such grant shall expressly reserve the jurisdiction of this State.

## CHAP. 77.

AN ACT to amend an act entitled "An act concerning the Salt Springs in the county of Onondaga passed 30th March, one thousand seven hundred and ninety eight and to amend "An act for laying out part of lot No. 1 in the town of Hannibal in the county of Onondaga into lots and for other purposes therein mentioned passed the third day of April one thousand seven hundred and ninety seven.

PASSED the 1st of April, 1800.

WHEREAS the two above recited acts have directed the surveyor general to lay out certain lots of land, therein mentioned and to dispose thereof but no power is expressly given therein to execute conveyances from this State to the purchasers. Therefore Preamble.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That the surveyor general be and he is hereby authorised to execute deeds of conveyance of the said lands, to the purchaser or purchasers their heirs and assigns as soon as they shall fulfil, what is required, in and by said recited act and that the person or persons, who have heretofore purchased any of the said lands, shall pay the purchase money to the surveyor general on or before the twenty fifth day of December next. Deeds to be executed to certain purchasers.

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## CHAP. 78.

AN ACT to establish a turnpike road company for improving the State road from the house of John House in the village of Utica, in the county of Oneida, to the village of Cayuga in the county of Cayuga, and from thence to Canadarque in the county of Ontario.

PASSED the 1st of April, 1800.

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That Benjamin Walker, Charles Williamson, Jedediah Sanger and Israel Chapin and all such persons as shall associate for the purpose of making a good and sufficient road in the form and manner herein after described from the house of John House in the village of Utica, to the village of Cayuga, and from thence to the court house in Canadarque in the county of Ontario observing as nearly the line of the present State road as the nature of the ground will allow, shall be and are hereby made a corporation and body politic in fact and in name, by the name of "The President and Directors of the Seneca Road Company" and by that name shall be capable in law to purchase, have, hold, enjoy and retain to them and their respective successors lands, tenements and hereditaments, as also goods, chattels and effects of every kind whatsoever not exceeding in value twelve thousand dollars and the same or any part thereof, to sell, grant, demise alien, or dispose of to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts whatsoever. *Provided* that the same are and shall be necessary for carrying this act into effect. Seneca Road Company incorporated.

Commis-  
sioners  
named.

*And be it further enacted* That Benjamin Walker, Charles Williamson, Jedediah Sanger and Israel Chapin be and are hereby appointed commissioners to do and perform the several duties herein after mentioned.

Election of  
directors.

*And be it further enacted* That the property and concerns of the said corporation shall be managed by nine directors who shall hold their offices from the first Tuesday in May next to the first Tuesday in May thereafter which shall be the day of their election in every year, and shall be elected by such of the stockholders as shall attend for that purpose either personally or by proxy on the first Tuesday in May in the year one thousand eight hundred and two and in every year thereafter at such time of the day and such place at no more than two miles distant from said road as the directors for the time being shall appoint of which time and place public notice shall be given by the said directors at least thirty days previous to the day of the election by advertisements to be published weekly for four weeks successively in at least three of the public news papers, one printed in New York, one in Albany and one in the western district of this State and all elections for directors shall be by ballot, and the nine persons having the votes of the greatest number of shares shall be the directors; and the directors so chosen shall at their first meeting proceed to elect by ballot one of their number to be their president, and if any of the directors so to be elected shall remove out of this State, the office of such director or directors shall be considered as vacant; and all vacancies which may happen by death, resignation or removal shall be filled for the remainder of the year in which they may happen by such person or persons as the remainder of the directors for the time being or the major part of them shall appoint.

Capital  
stock.

*And be it further enacted* That the capital stock of said company shall consist of two thousand two hundred shares and that a share in said stock shall be fifty dollars; that subscriptions to the said stock shall be opened and kept open under the direction of the said commissioners and of the directors when so chosen as herein after mentioned at such times and places as they may deem best, and that as soon as five hundred shares shall have been subscribed, the said commissioners shall by public notice require the stockholders to meet at a time and place therein to be specified to elect five directors who shall be stockholders and who together with the said commissioners shall be the directors and shall manage the concerns of the company thenceforth until the first Tuesday in May in the year one thousand eight hundred and two.

Power to  
enter on  
lands; ap-  
praisal of  
damages.

*And be it further enacted* That the corporation by the president and directors, or by any agent, superintendants, artists or other persons employed by them may enter into any land where they may deem it necessary to deviate from the Genesee road to make and complete said road, and to lay out survey and labour on such routes or tracts as shall be most eligible for a good and sufficient road between the places aforesaid and contract with the owner or owners for the purchase of so much thereof as may be necessary for making said road, and erecting and establishing gates, toll houses and all other works to the said road belonging and in case of disagreement between the parties respecting damages to be done to said lands or if the owner or owners thereof shall be feme covert, insane, under age or out of the county then it shall be the duty of the president and directors within six weeks to apply to one of the judges or assistant justices of the court of common pleas in and for the county in which such damage shall have been done, not interested in

said road who is hereby required and authorised to nominate and by an instrument in writing signed by him to appoint three commissioners not interested in the premises being freeholders of the county, and it shall be the duty of said president and directors to cause a copy of such appointment to be served on each of the said commissioners who shall thereupon name a day for meeting on said lands and performing the duties imposed on them by this act, and also to give notice to the owner or owners of said appointment and day, being at least ten days from the time of giving such notice when and where the commissioners shall meet for the purposes of examining the land and assessing the damages; except in case the owner or owners shall labour under any of the disabilities aforesaid or be out of the county, in either of which cases a copy of such notice may be left at the dwelling house of the party (if any) or other notorious place on the land through which said road shall pass. *And further* each of the said commissioners before he shall act shall take and subscribe an oath before one of the justices of the peace in and for said county that he will without favour or partiality estimate and assess the damages which may be sustained by the owner or owners or occupants of any lands or improvements which the said corporation may deem necessary for said road or toll houses and the commissioners shall then proceed to view the premises; and having determined the damages shall make an inquisition under their hands and seals or the hands and seals of any two of them, stating the amount of damages (if any) which any owner or owners or occupants of any parcel of land used or to be used for said road hath or have sustained or shall sustain which inquisition shall be acknowledged by the commissioners signing the same before one of the judges of the courts aforesaid, and filed together with the oath aforesaid in the office of the clerk of the county where such damage may be done or such inquisition taken, who shall at the expence costs and charges of the president and directors aforesaid, enter the same of record in the book kept by him for recording deeds, and the said corporation paying to the several owners of said lands the several sums awarded in the inquisition shall have and hold to them their successors and assigns for ever the lands and tenements described therein; and the president and directors aforesaid shall pay to the judge who makes the appointment of said commissioners for his services two dollars, and to the said commissioners for every day necessarily attending the duties required of them two dollars and fifty cents and it shall be lawful for every owner and occupant if the said corporation shall refuse or neglect to pay the sum awarded by such inquisition on demand, to sue for and recover the same with interest.

*And be it further enacted* That the directors for the time being or a major part of them shall have power to make and prescribe such bye laws rules and regulations as to them or a major part of them shall appear needful and proper touching the management and disposition of the stock, property, estate and effects of the said corporation; and touching the duties and conduct of the officers, clerks and servants employed therein; and touching the election of directors and all such other matters as appertain to the powers hereby granted to them, and shall also have power to appoint so many officers, clerks and servants, for carrying on the said business and with such salaries and allowances as they or the major part of them shall deem meet; *Provided* That such bye laws, rules and regulations, be not repugnant to the constitution and laws of the United States or of this State. By-laws.

Assess-  
ments on  
stock-  
holders.

*And be it further enacted* That it shall be lawful for the said directors or the major part of them to call and demand from the stockholders respectively all such sums of money by them subscribed or to be subscribed pursuant to any bye laws, rules or regulations of the said corporation at such time and in such proportions as they shall see fit under pain of forfeiture of their shares, and of all previous payments thereon to the said president directors and company.

How road-  
way con-  
structed;  
bridges.

*And be it further enacted* That the said road shall be six rods in width, and that the said president and directors shall cause the same to be cleared of all timber excepting trees of ornament, and to be improved in manner following, to wit, in the middle of the said road there shall be formed a space not less than twenty four feet in breadth, the center of which shall be raised fifteen inches above the sides, rising towards the middle by gradual arch, twenty feet of which shall be covered with gravel or broken stone fifteen inches deep in the centre and nine inches deep on the sides so as to form a firm and even surface. The said president and directors shall cause good and sufficient bridges not less than twenty two feet wide to be erected on the said line of road or any portion thereof where toll may be demanded, excepting the bridge now building over the Cayuga lake, which road and bridges shall be kept in good and sufficient repair, and in case they shall not cause the said road and bridges to be kept in good and sufficient repair, it shall be the duty of the assistant attorney general of the district in which such road or bridges so neglected lie upon information thereof being given to him on oath to cause an indictment to be preferred to the grand jury of the county in which such neglect shall happen against the president directors and company aforesaid and to cause the same to be prosecuted to effect in like manner as bills of indictment in cases of such nature shall be prosecuted and in any court having cognizance of the same in the said county where the neglect shall happen (excepting the bridge aforesaid) and upon conviction the court shall proceed to pass such judgment not exceeding a fine of twenty five dollars for every such neglect as to them shall seem just and proper. *Provided always* that in case any bridge shall be carried away or the road or bridges otherwise injured by floods or by unavoidable accidents, or by design, that then the said president and directors shall cause the same forthwith to be repaired, and shall be allowed therefor a reasonable time, excepting the bridge aforesaid.

License by  
governor.

*And be it further enacted* That as soon as any part of said road not less than ten miles in any place thereof is made passable and convenient as aforesaid notice thereof may be given to the person administering the government of this State who shall thereupon forthwith nominate two or more persons to view the same, whose duty it shall be at the expence of the said corporation to report to him in writing whether that part of the road requested to be viewed is made and finished according to the true intent and meaning of this act, and if their report be in the affirmative then it shall be lawful for the person administering the government of this State to permit the president directors and company to erect and fix as many gates and turnpikes upon and across said road for the collection and receiving such tolls as the rate herein after granted to the said corporation from all persons travelling the same with beasts of draught or burthen, or with carriages or other ways as they shall think proper. *Provided always* that such gates shall not be erected at a less distance than ten miles from each other.

*And be it further enacted* That it shall and may be lawful for the directors of the said corporation to agree with any person or persons who may be willing to undertake to complete any part of the said road or bridges, and to take payment therefor in turnpike stock; but no contract of this nature shall exceed twenty shares of stock for each mile so contracted for, or ten shares for any one bridge.

Stock may be issued in payment for constructing road or bridges.

*And be it further enacted* That as soon as the said road is perfected or ten miles thereof in any one place according to the true intent and meaning of this act that it shall and may be lawful for the president and directors to appoint a sufficient number of toll gatherers to collect and receive of and from all and every person or persons using the said road the tolls herein after mentioned; that is to say, at each gate for every waggon with two horses not more than twelve and an half cents and not more than three cents for every additional horse used in any waggon cart or other carriage; for every one horse cart six cents; for every coach, four wheeled pleasure carriage or pleasure waggon with two horses twenty five cents and for every additional horse three cents; for every chair or pleasure carriage with one horse twelve and an half cents and for every additional horse six cents; for every cart drawn by two oxen eight cents and for every additional yoke three cents; for every saddle or led horse four cents; for every sled travelling the above road from the fifteenth day of December to the fifteenth day of March in each year one half of the tolls herein before demanded for carriages for the transportation of burthens; for every score of cattle six cents; for every score of sheep or hogs three cents, and so in proportion for any greater or less number of cattle, sheep or hogs. *Provided always* that those who may use waggons or other carriages the wheels of which shall exceed the width of nine inches shall not pay above two thirds of the above mentioned rate of toll. *Provided also* that no person passing to or from public worship on Sundays, going to their common labour on their farms with their cattle or teams, or returning therefrom, carrying fire wood, going to or returning from mill for the grinding of grain for family use or going to or returning from funerals shall pay any toll at any gate situated within the bounds of the town in which they are resident. And it shall be lawful for any of the toll gatherers to stop any person or persons driving any carriage or sled, riding or leading horses, driving horses oxen, sheep or hogs from passing through any of the said gates or turnpikes, till they have respectively paid the tolls above mentioned; and if any person or persons shall forcibly pass any gate or gates without having paid the legal toll he, she or they shall forfeit the sum of ten dollars for each offence to be recovered in the name of the company, to their use by action of debt in any court having cognizance of the same with costs; and if any person with his team horses or carriages, cattle, sheep or hogs shall after travelling the said road turn off to pass the said gates on ground adjacent thereto and again enter on the same road, with intention of defrauding the said company by avoiding the payment of the toll due by virtue of this act such person shall forfeit five dollars to be recovered as aforesaid with costs.

Rates of toll.

*And be it further enacted* That if any toll gatherer shall unreasonably delay or hinder any person from passing any of the gates and at any time in the day or night on tendering the legal toll or shall demand more than by this act established, he shall for every such offence pay a sum not exceeding twenty five dollars, to be recovered before any justice in the county where such offence shall be committed

Unreasonable delay by toll gatherer.

for the sole use of the person so hindered delayed or defrauded and in his name, with costs.

Transfer of stock.

*And be it further enacted* that the stock of the said company shall be taken and deemed personal estate, and shall and may be transferable agreeable to such bye laws, rules and regulations as may from time to time be made by the directors.

Mile-stones; rates of toll to be posted

*And be it further enacted* that the said company shall cause mile stones or posts to be erected and placed one for each and every mile of the said road on which they shall be permitted to place gates, and on each monument there shall be fairly marked the distance from Utica and under that from Canandarque; and they shall also cause to be affixed to each gate or turnpike in legible characters, a list of the rates of toll which may be lawfully demanded, which rates it shall and may be lawful for them to demand and receive according to the distance between that and the next following gate.

Injury to mile-stones or gates.

*And be it further enacted* That if any person or persons shall wilfully break or throw down or deface any of the mile stones or posts so to be erected he or they shall forfeit the sum of twenty five dollars to be recovered in the name of the president and directors and for the use of the company in an action of debt or otherwise in any court having cognizance thereof with costs; and if any person or persons shall wilfully break or throw down any of the gates or turnpikes erected in pursuance of this act he or they shall forfeit the sum of two hundred dollars to be recovered as aforesaid.

Time limited.

*And be it further enacted* That if the said company shall not commence their operations on the said road within two years from the passing of this law and complete the same within five years thereafter according to the true intent and meaning of this act, then and in either of such cases this act shall cease.

Statements to be rendered.

*And be it further enacted* That the said president and directors shall within six months after the said road is completed or any part thereof where toll is allowed to be collected lodge in the comptrollers office of this State an account of the expence thereof and the corporation shall annually exhibit to the comptroller a true account of the dividend or income arising from the said toll with the annual disbursements on the said road.

Dissolution of corporation.

*And be it further enacted* That the legislature may dissolve the said corporation when the income arising from the said toll shall have fully compensated the said corporation for all monies they may have expended in, purchasing, making, repairing and taking care of the said road together with an interest of fourteen per centum per annum, and thereupon the right, interest and property of the said road shall be vested in the people of this State.

## CHAP. 79.

**AN ACT** to establish a turnpike corporation for improving and making a road from the town of Salisbury in the State of Connecticut to Wattles's ferry, on the Susquehannah river.

PASSED the 1st of April, 1800.

Susquehannah Turnpike Road Com-

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That John Livingston, Stephen Day, Henry Livingston, Caleb Benton, George Hale, Samuel Haight, Garret Abel,

Martin G. Schuneman, Benjamin Van Orden, Sluman Wattles, Solomon Martin, John Cortright and all such other persons as shall associate for the purpose of making a good and sufficient road from the line of the town of Salisbury in the State of Connecticut in the nearest and most direct route as far as circumstances will admit by Ancram furnace in the town of Livingston to the ferry near the store house of John Livingston in said town; and from the landing at Catskill to the ferry commonly called Wattles's ferry on the Susquehannah river shall be and hereby are created and made a corporation and body politic, in fact and in name by the name of The President, Directors and Company of the Susquehannah Turnpike Road; and by that name they shall be capable in law to purchase have, hold, enjoy and retain to them and their respective successors lands, tenements and hereditaments, goods, chattels and effects of every kind whatsoever; and the same or any part thereof to sell grant, demise, alien or dispose of, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in courts of record or any other place whatsoever. *Provided however* that the amount of the said real estate which the said corporation are hereby authorized to purchase and hold shall not exceed twelve thousand dollars; *and provided further*, that such estate as well real as personal so to be purchased and held, shall be necessary to fulfil the end and intent of the corporation hereby created and made and to no other use intent or purpose whatsoever.

*And be it further enacted* That Henry Livingston, Stephen Day, George Hale, Caleb Benton, Garret Abeel, Sluman Wattles, Samuel Haight, Martin G. Schuneman, John Cortright and Solomon Martin be and they are hereby appointed commissioners to do and perform the several duties herein after mentioned, that is to say; they shall on or before the first day of June next procure ten books and in each of them enter as follows: "We whose names are hereunto subscribed, do for ourselves and our legal representatives promise to pay the President, Directors and Company of the Susquehannah Turnpike Road, the sum of twenty dollars for every share of stock in the said company, set opposite to our respective names, in such manner and proportion, and at such time and place as shall be determined by the said President directors and company;" one of which books shall be left with each of the said commissioners at their respective places of abode; who shall keep the same open for the purpose of receiving subscriptions; and every subscriber shall at the time of subscribing pay unto either of the said commissioners the sum of three dollars for each share so subscribed, and the commissioners shall as soon as one thousand five hundred shares have been subscribed, cause an advertisement to be inserted in one of the public newspapers printed in the city of Albany, giving at least fifteen days notice of the time and place the said subscribers shall meet for the purpose of choosing thirteen directors who shall be stockholders, for the purpose of managing the concerns of the said company for one year; and the day of choosing the said directors shall for ever thereafter be the anniversary day for choosing directors. And any seven of the said directors shall be a quorum and capable of transacting the business of said corporation; and every act of a majority of said directors so met, shall be binding on the said corporation and the said directors, elected by a plurality of the votes of the stockholders present shall immediately proceed to the choice of one of their number for president; and the said president and directors may meet from time to time, at such time and place as they may find expedient, and direct; and shall have power

pany incorporated.

Commissioners to take subscriptions to stock.

Election of directors.



to make such bye laws, rules, orders and regulations not in consistent with the Constitution or laws of this State or of the United States, as shall be necessary for the well ordering the affairs of the said corporation.

Capital  
stock.

*And be it further enacted* That the said president and directors may continue to receive subscriptions to the stock of the said corporation, until there shall be seven thousand shares subscribed and shall have power to appoint such agents, clerks, workmen and others under them as shall be necessary for executing the business of the said corporation.

Entry on  
lands;  
damages.

*And be it further enacted* That the said corporation by the president and directors, or by any agent, superintendant, artist or other person employed in their service may enter into any land where they shall deem it proper to construct the said road, and to lay out and survey such routes or tracts as shall be most practicable for effecting a good and sufficient road between the places aforesaid: And the said president and directors may contract with the owners of the said land for the purchase of so much thereof as shall be necessary for the purpose of making the said road, and for erecting and establishing gates, toll houses and all other works to the said road belonging, the said president and directors paying the owner or owners or occupant of the land so to be laid out as part of the road such reasonable sum for damages as may be agreed on; and in case of disagreement between the parties as to the said damages, the same shall be determined by an appraisement, to be made on oath of three, or if they disagree of two indifferent freeholders to be mutually chosen, or (if the owners or occupants of the said land refuse or neglect to join in the choice) to be appointed by any judge of the court of common pleas of the county in which the lands or property shall be: *Provided* the said judge shall not be interested in the said dispute.

Manner of  
construct-  
ing road  
way.

*And be it further enacted* That the said president directors and company shall cause a road to be laid out, at least four and not exceeding six rods-wide, twenty feet of which shall be bedded with wood, stone, gravel or any other hard substance, compacted together a sufficient depth to secure a solid foundation to the same; and the said road shall be faced with gravel or other hard substance in such manner as to secure as near as the materials will admit an even surface rising towards the middle by a gradual arch; and they shall during the continuance of this act maintain & keep the same in good order from the town of Salisbury to the ferry near the store of John Livingston in the town of Livingston, and from the landing at Catskill to the ferry known as aforesaid.

License by  
governor.

*And be it further enacted* That as soon as the said president, directors and company shall have completed the said road or four miles and a half thereof on either or both sides of said river then it shall be lawful for the president, directors and company to give notice to the governor of this State, who shall thereupon forthwith nominate and appoint three commissioners, who shall at the expence of the said corporation view the same and report to him in writing whether the said road is so far executed in a workmanlike manner according to the true intent and meaning of this act; and if the said commissioners or any two of them report in the affirmative, then it shall be the duty of the governor by licence under his hand and the privy seal of this State to permit the said president, directors and company to erect one gate and turnpike across said road on such side or sides of said river as the road thereon shall be so far completed, and in like manner for every

ten miles which shall be completed thereafter and ascertained as aforesaid; and as soon as the whole or any part of the said road shall be completed and permission to erect a gate or gates as aforesaid be granted, the president and directors may appoint toll gatherers to collect and receive of and from all and every person or persons using the said road at either of said gates, not less than three miles and a half nor more than four miles from the said river, one half the toll herein after mentioned and at each of the other gates or turnpikes the following tolls or sums of money: For every score of sheep or hogs eight cents; for every score of cattle, horses or mules twenty cents, and so in proportion for any greater or less number of sheep, hogs, cattle, horses or mules; for every horse and rider or led horse five cents; for every sulkey chair or chaise with one horse twelve and an half cents; for every cart drawn by one horse six cents; for every chariot, coach, coachee or phaeton twenty five cents; for every stage waggon or other four wheeled carriage drawn by two horses, mules or oxen twelve and an half cents, and three cents for every additional horse, mule or ox; for every cart drawn by two oxen twelve and an half cents, and for every additional horse or ox three cents; for every sleigh or sled six cents if drawn by two horses or oxen and in like proportion if drawn by a greater or lesser number of horses or oxen. And it shall be lawful for any of the toll gatherers to stop any person riding, leading or driving any horse, cattle, sheep or hogs, sulkey, phaeton, chair, chaise, cart, waggon, sleigh or other carriage of burden or pleasure from passing through the gates or turnpikes until they shall respectively have paid the toll as above specified. *Provided* that nothing in this act shall be construed so as to entitle the said corporation to demand or receive toll of or from any person passing to or from public worship, or to or from his common business on his farm, or to or from any mill, to which he may resort for the grinding of grain for his family use, or persons going to, or returning from a funeral.

Rates of toll.

*And be it further enacted* That the said corporation shall cause mile stones to be erected or placed, one for each and every mile of the said road on which they shall be permitted to place gates or turnpikes, and on each stone placed as aforesaid shall be fairly and legibly marked the distance the said stone is from the North river and shall also erect guide posts at the intersection of all public highways leading into and from the said turnpike on which shall be inscribed the name of the town in which the post stands and the name of the town or towns to which the road leads in the direction to which the hand points. And the said corporation shall also cause to be affixed to each gate or turnpike a printed list of the rates of toll which may be lawfully demanded.

Mile-stones; rates of toll to be posted.

*And be it further enacted* That if any person or persons shall break or throw down or deface any of the mile stones or guide posts so erected for the information of the good people of this State or shall cut, break down or destroy any of the gates or turnpikes which shall be erected in pursuance of this act, or shall forcibly pass the same without having paid the legal toll at such gate or turnpike such person or persons shall forfeit and pay a fine of twenty five dollars, to be recovered by the treasurer of the corporation to their use, in an action of debt with costs of suit; and if any person shall with his team, carriage or horse turn out of said road to pass a gate or gates on ground adjacent thereto, and again enter on the said road with intent to avoid the toll due by virtue of this act, such person shall forfeit and pay three times as much as the legal toll would have been for any such person in passing through said gate or gates, to be recovered by the

Injury to posts or gates.

to make such bye laws, rules, orders and regulations not in consistent with the Constitution or laws of this State or of the United States, as shall be necessary for the well ordering the affairs of the said corporation.

Capital  
stock.

*And be it further enacted* That the said president and directors may continue to receive subscriptions to the stock of the said corporation, until there shall be seven thousand shares subscribed and shall have power to appoint such agents, clerks, workmen and others under them as shall be necessary for executing the business of the said corporation.

Entry on  
lands;  
damages.

*And be it further enacted* That the said corporation by the president and directors, or by any agent, superintendant, artist or other person employed in their service may enter into any land where they shall deem it proper to construct the said road, and to lay out and survey such routes or tracts as shall be most practicable for effecting a good and sufficient road between the places aforesaid: And the said president and directors may contract with the owners of the said land for the purchase of so much thereof as shall be necessary for the purpose of making the said road, and for erecting and establishing gates, toll houses and all other works to the said road belonging, the said president and directors paying the owner or owners or occupant of the land so to be laid out as part of the road such reasonable sum for damages as may be agreed on; and in case of disagreement between the parties as to the said damages, the same shall be determined by an appraisement, to be made on oath of three, or if they disagree of two indifferent freeholders to be mutually chosen, or (if the owners or occupants of the said land refuse or neglect to join in the choice) to be appointed by any judge of the court of common pleas of the county in which the lands or property shall be: *Provided* the said judge shall not be interested in the said dispute.

Manner of  
construct-  
ing road  
way.

*And be it further enacted* That the said president directors and company shall cause a road to be laid out, at least four and not exceeding six rods-wide, twenty feet of which shall be bedded with wood, stone, gravel or any other hard substance, compacted together a sufficient depth to secure a solid foundation to the same; and the said road shall be faced with gravel or other hard substance in such manner as to secure as near as the materials will admit an even surface rising towards the middle by a gradual arch; and they shall during the continuance of this act maintain & keep the same in good order from the town of Salisbury to the ferry near the store of John Livingston in the town of Livingston, and from the landing at Catskill to the ferry known as aforesaid.

License by  
governor.

*And be it further enacted* That as soon as the said president, directors and company shall have completed the said road or four miles and a half thereof on either or both sides of said river then it shall be lawful for the president, directors and company to give notice to the governor of this State, who shall thereupon forthwith nominate and appoint three commissioners, who shall at the expence of the said corporation view the same and report to him in writing whether the said road is so far executed in a workmanlike manner according to the true intent and meaning of this act; and if the said commissioners or any two of them report in the affirmative, then it shall be the duty of the governor by licence under his hand and the privy seal of this State to permit the said president, directors and company to erect one gate and turnpike across said road on such side or sides of said river as the road thereon shall be so far completed, and in like manner for every

ten miles which shall be completed thereafter and ascertained as aforesaid; and as soon as the whole or any part of the said road shall be completed and permission to erect a gate or gates as aforesaid be granted, the president and directors may appoint toll gatherers to collect and receive of and from all and every person or persons using the said road at either of said gates, not less than three miles and a half nor more than four miles from the said river, one half the toll herein after mentioned and at each of the other gates or turnpikes the following tolls or sums of money: For every score of sheep or hogs eight cents; for every score of cattle, horses or mules twenty cents, and so in proportion for any greater or less number of sheep, hogs, cattle, horses or mules; for every horse and rider or led horse five cents; for every sulkey chair or chaise with one horse twelve and an half cents; for every cart drawn by one horse six cents; for every chariot, coach, coachee or phaeton twenty five cents; for every stage waggon or other four wheeled carriage drawn by two horses, mules or oxen twelve and an half cents, and three cents for every additional horse, mule or ox; for every cart drawn by two oxen twelve and an half cents, and for every additional horse or ox three cents; for every sleigh or sled six cents if drawn by two horses or oxen and in like proportion if drawn by a greater or lesser number of horses or oxen. And it shall be lawful for any of the toll gatherers to stop any person riding, leading or driving any horse, cattle, sheep or hogs, sulkey, phaeton, chair, chaise, cart, waggon, sleigh or other carriage of burden or pleasure from passing through the gates or turnpikes until they shall respectively have paid the toll as above specified. *Provided* that nothing in this act shall be construed so as to entitle the said corporation to demand or receive toll of or from any person passing to or from public worship, or to or from his common business on his farm, or to or from any mill, to which he may resort for the grinding of grain for his family use, or persons going to, or returning from a funeral.

Rates of  
toll.

*And be it further enacted* That the said corporation shall cause mile stones to be erected or placed, one for each and every mile of the said road on which they shall be permitted to place gates or turnpikes, and on each stone placed as aforesaid shall be fairly and legibly marked the distance the said stone is from the North river and shall also erect guide posts at the intersection of all public highways leading into and from the said turnpike on which shall be inscribed the name of the town in which the post stands and the name of the town or towns to which the road leads in the direction to which the hand points. And the said corporation shall also cause to be affixed to each gate or turnpike a printed list of the rates of toll which may be lawfully demanded.

Mile-  
stones;  
rates of toll  
to be  
posted.

*And be it further enacted* That if any person or persons shall break or throw down or deface any of the mile stones or guide posts so erected for the information of the good people of this State or shall cut, break down or destroy any of the gates or turnpikes which shall be erected in pursuance of this act, or shall forcibly pass the same without having paid the legal toll at such gate or turnpike such person or persons shall forfeit and pay a fine of twenty five dollars, to be recovered by the treasurer of the corporation to their use, in an action of debt with costs of suit; and if any person shall with his team, carriage or horse turn out of said road to pass a gate or gates on ground adjacent thereto, and again enter on the said road with intent to avoid the toll due by virtue of this act, such person shall forfeit and pay three times as much as the legal toll would have been for any such person in passing through said gate or gates, to be recovered by the

Injury to  
posts or  
gates.

treasurer of the said corporation for the use thereof, in an action of debt, with costs of suit.

Unreason-  
able delay  
by toll  
gatherers.

*And be it further enacted* That if any toll gatherer shall unreasonably delay or hinder any traveller or passenger at any of the gates or shall receive more toll than is by this act established, he shall for every such offence forfeit and pay the sum of twenty five dollars to be prosecuted for and recovered before any justice of the peace in the county where such offence shall be committed for the sole use of the person so unreasonably hindered or defrauded.

Transfer of  
stock.

*And be it further enacted* That the shares in the said turnpike road shall be taken, deemed and considered to be personal estate, and be transferable in such manner as the president and directors shall direct.

Dividends.

*And be it further enacted* That the president and directors of the said corporation shall keep a just and fair account of all monies received by the several collectors of toll on the said road, and shall make and declare a dividend of the clear profits and income (all contingent costs and charges being first deducted) amongst all the stockholders of the said corporation; and shall on the second Tuesday of January and July in every year publish the half yearly dividend to be made of the said clear profits among the stockholders, and the times and places when and where the same will be paid, and shall cause the same to be paid accordingly.

Statements  
to be filed.

*And be it further enacted* That the said president and directors shall within six months after said road is completed lodge in the comptrollers office of this State an account of the expence thereof; and the corporation shall annually exhibit to the comptroller a true account of all the income arising from said toll, with the annual disbursements on said road.

Dissolution  
of corpora-  
tion.

*And be it further enacted* That the legislature may dissolve the said corporation when the income arising from said toll shall have fully compensated the said corporation for all monies they may have expended in purchasing making repairing and taking care of said road together with an interest thereon of fourteen per centum per annum; and thereupon the right, interest and property of said road shall be vested in the people of this State, and be and remain at their disposal. *Provided* that if the said corporation shall not commence their operation on the said road within two years after passing of this act, or shall not within ten years afterwards complete the said road according to the true intent and meaning of this act, then and in either of these cases, this act shall cease, be void and of no effect.

Assess-  
ments of  
stock-  
holders.

*And be it further enacted* That it shall be lawful for the said directors to call for and demand of and from the stockholders respectively all such sums of money by them subscribed or to be subscribed, at such times and in such proportions as they shall see fit, under pain of forfeiture of their shares and of all previous payments made thereon to the said president, directors and company.

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## CHAP. 80.

### AN ACT for the relief of William Horton and others.

PASSED the 1st of April, 1800.

Preamble.

WHEREAS Rachel Palmer, the widow of Lewis Palmer, whose estate was forfeited to the people of this State and was sold by the commis-

sioners of forfeitures of the southern district in the term of July one thousand seven hundred and ninety eight, commenced suits in the supreme court against William Horton, William Horton junior, Aaron Carman, Jonathan Travers, and Jonathan Loder, for the recovery of her dower in the lands whereof they are seised under the sale aforesaid, and obtained judgments therein in the term of October last, *and whereas* the said Rachel Palmer hath refused to accept in satisfaction of her said claim the compensation usually allowed to the widows of persons whose estates have in like manner been forfeited, but hath caused writs of seisin to be issued on the judgments aforesaid and executed. Therefore

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That there shall be allowed and paid out of any monies in the treasury not otherwise appropriated on the warrant of the comptroller, to the said William Horton and William Horton junior the sum of two hundred and ninety one dollars and sixty two cents; to the said Jonathan Travers the sum of one hundred and sixteen dollars and sixty two cents; to the said Aaron Carman the sum of three hundred and fifty dollars; and to the said Jonathan Loder the sum of eighty seven dollars and fifty cents, being the whole amount of the compensation which the said Rachel Palmer would have been entitled to receive, for her right of dower in pursuance of concurrent resolutions, of the senate and assembly of the third and fourth of April one thousand seven hundred and ninety two.

Appropriation to parties named.

*And be it further enacted,* That there shall also be allowed and paid, *id.* out of any monies in the treasury not otherwise appropriated, on the warrant of the comptroller, to the said William Horton and William Horton Junior, the further sum of five hundred and seventy dollars and forty one cents; to the said Jonathan Travers the further sum of two hundred and twenty eight dollars and nine cents; to the said Aaron Carman the further sum of six hundred and eighty four dollars and sixty one cents; to the said Jonathan Loder the further sum of one hundred and seventy one dollars and fourteen cents, in full satisfaction, for the expences and damages, by them respectively sustained, or which they may hereafter, sustain by reason of the judgments and executions aforesaid; and the said several sums hereby directed to be paid to the said William Horton and William Horton junior, Aaron Carman, Jonathan Travers and Jonathan Loder, are declared to be in full satisfaction of all claims, and demands whatsoever of the said several persons respectively by reason of the premises, against the people of this State, or against any person or persons whomsoever claiming or desiring title to the lands so recovered as aforesaid by reason of the forfeitures aforesaid.

## CHAP. 81.

AN ACT for the relief of Mary Hanson widow and relict of John Hanson deceased.

PASSED the 1st of April, 1800.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That Mary Hanson of the city of New York widow and relict of John Hanson deceased, be personally allowed the sum of one hundred and fifty dollars, during her natural life, in full

Annuity granted to Mary Hanson.

satisfaction of all her claims against this State, as widow or legatee of the said John Hanson; which sum shall be payable quarter yearly in equal proportions out of any money which may be unappropriated in the treasury of this State.

## CHAP. 82.

AN ACT to amend an act entitled "An act to establish a turnpike corporation for improving the road from the Springs in Lebanon to the city of Albany, and a like corporation for improving the road from the village of Bath to the Massachusetts line, and for repealing the act therein mentioned.

PASSED the 4th of April, 1800.

Rates of  
toll on  
road re-  
ferred to.

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That as soon as the whole or any part of the said road first above mentioned shall be compleated and permission to erect a gate or gates be granted, the president and directors of said corporation may appoint toll gatherers to collect and receive of and from all and every person and persons using the said road the tolls and duties herein after mentioned for ten miles of said road, and if the distance between the gate, or between the gates and either end of said road shall be greater or less than ten miles, then the toll at such gate or gates shall be greater or less in proportion to the distance, which several distances shall be ascertained by the president and directors aforesaid, and the proportion of tolls to be paid at each gate established by them, that is to say, for every score of hogs or sheep eight cents; for every score of cattle, mules or horses twenty cents; and in proportion for any greater or less number of hogs, sheep, cattle, mules or horses; for every horse and rider or led horse five cents; for every sulkey chair or chaise with one horse twelve and an half cents; for every cart drawn by one horse six cents; for every chariot, coach, coachee or phaeton twenty five cents; for every stage, waggon, or other four wheel carriage or cart drawn by two horses or oxen twelve and an half cents, and three cents for each additional horse, mule or ox; for every sleigh or sled drawn by two horses, mules or oxen eight cents; and one cent for each additional horse, ox or mule; and it shall be lawful for the toll gatherers to stop any person or persons riding, leading, or driving any horse mule, cattle sheep or hogs or any kind of carriage until they shall respectively have paid the toll above specified.

Voting by  
stock-  
holders.

*And be it further enacted* That each stockholder shall in voting for directors of said company be entitled to one vote for each share held by him to the number of fifty, and to one vote for every three shares which he shall hold over and above said number of fifty.

Provisions  
extended  
to road  
from Bath  
to Massa-  
chusetts  
line.

*And be it further enacted* That the provisions contained in the above enacting clauses, be and the same are hereby extended to the corporation established for making a good and sufficient road from the village of Bath in the county of Rensselaer in the nearest and most direct route to the house of James Main in Petersburg in said county, and from thence to the line of Massachusetts where the road from Williamstown to the city of Albany crosses the said line, and that the times specified in said act for commencing and finishing said several roads shall be deemed as commencing only from the day of passing this act.

*And be it further enacted* That the proviso annexed to the second section of the act aforesaid, and the seventh section be and the same are hereby repealed. Part repealed.

*And be it further enacted* That it shall and may be lawful for any person residing within four miles of any of the gates to be erected upon either of the said roads to compound by the year with the president and directors of the companies respectively improving the same, for the privilege of passing through the same gates, and in case any such person shall not be able to agree with the president and directors of such company upon the rate of composition, the same shall be determined in the manner provided by the said recited act for ascertaining the value of any land that may be included in any such road except that instead of a justice of the peace, a judge of the common pleas shall appoint the appraisers or arbitrators in any such case. Composition for toll.

## CHAP. 83.

### AN ACT to amend the act entitled "An act for the relief of Nathan Dean and others."

PASSED the 4th of April, 1800.

**WHEREAS**, in and by the act entitled "An act for the relief of Nathan Dean and others," the commissioners of the land office were directed to grant letters patent to Nathan Dean and Squire Whitaker, for six hundred acres of land, on their paying into the treasury, the sum of six hundred dollars, to be applied in the manner directed by the said act. *And whereas* the said six hundred dollars was paid into the treasury on the ninth day of February last. *And whereas* after the said payment, and before any application to the commissioners of the land office for letters patent in pursuance of the said act, the said Nathan Dean died, by reason whereof, no estate in the said six hundred acres of land, ever vested in the said Nathan Dean, and the said letters patent have not been granted. *And whereas* subsequent to the death of the said Nathan Dean, his estate in the said six hundred acres of land was sold, on execution by the sheriff of the county of Tioga, which sale being void, and Lois Dean, the widow of the said Nathan Dean, representing the said sale to have been at an under value, and that the said Nathan Dean, has left five infant children, and praying that the letters patent for the said Nathan Dean's share or part, of the said six hundred acres of land may be directed to be granted to trustees, to sell the same, and the proceeds to be applied, for the equal payment of all the debts due and owing by the said Nathan Dean, at the time of his decease, and the overplus money if any there shall be, to be applied to the use, benefit and maintenance of his said infant children: Therefore,

*Be it enacted by the People of the State of New York, represented in Senate and Assembly*, That it shall and may be lawful to and for the commissioners of the land office, and they are hereby directed to grant in severalty, letters patent for such part of the said six hundred acres, as shall appear to them, the said Nathan Dean would have been entitled, to, in case he had been still living, to Joseph Gasherie, Sluman Wattles, and Peter Roggen, and their heirs and assigns for ever, as joint-tenants. And in case of the death of either or any of them, Grant of land to trustees for purposes named.



before such letters patent shall issue, then to the survivors, or survivor of them, the heirs or assigns of such survivors or survivor. In trust nevertheless, and to, and for the several uses and purposes, and subject to the provisoes, and agreements in this act particularly specified, that is to say: In trust, to sell and dispose of, and convey all the said premises together, or by parcels, so to be granted to them as aforesaid, or such parts thereof as may be sufficient to discharge the debts herein afterwards provided for, to the best purchaser or purchasers that can reasonably be gotten for the same, at private, or public sale first advertising the said property for sale, in two or more of the public newspapers printed in this State, for the space of two months at least, and with the money arising, or to arise by and from such sale or sales, to pay off, and discharge all the just debts, whether by judgments, specialties or simple contract due and owing by the said Nathan Dean at the time of his decease, or otherwise to make a distribution or division of the same among the said creditors of the said Nathan Dean in equal proportion according to their respective just demands as far as the said purchase money will extend and amount unto, in which payments no preferences shall be allowed to debts due in judgments or specialties, and the overplus, if any there be after such payments as aforesaid, to be apportioned and divided equally, among the respective children of the said Nathan Dean, who shall then be living, and the respective portions of each of said children, be paid to the guardian or guardians of such children respectively, if any such guardian or guardians there shall be, and if not, then the said respective portions or parts, to be placed out at annual interest, on good real security within this State, the principal sum to be payable at the time such children shall respectively attain the age of twenty one years, and the interest therefor to be paid annually and to be applied to the maintenance and education of the said children respectively, who shall be entitled to the principal sum so to be loaned as aforesaid.

Sales to be made in two years.

*And be it further enacted,* That the said sale or sales of the said premises or of such part thereof, as may be necessary to be sold for the purposes hereby intended, shall be made and concluded within two years from the time of passing this act, and that it shall and may be lawful to and for the said trustees or the survivors or survivor of them, to give a credit, if to him or them it shall seem fit, to the purchaser or purchasers for two thirds of the purchase money of the said sale, payable in two equal annual payments, with interest annually, to be secured by a bond or bonds of the purchasers or purchaser together, with a mortgage upon the premises so to be sold.

Notice to creditors.

*And be it further enacted,* That the said trustees or the survivors or survivor of them, shall, as soon as conveniently may be after the passing of this act, cause publick notice to be given at least in two of the newspapers printed in this State, one whereof to be printed by the printer to this State, for six weeks successively, requiring all the creditors of the said Nathan Dean, to present their respective accounts and demands, within six months from the date of such advertisements, and that in default thereof, the creditor or creditors so neglecting will be precluded from all benefit intended in and by this act, and in case any creditor or creditors shall neglect to present his, her or their account or demand according to such advertisements, he, she or they shall not be entitled thereafter to claim any part or dividend, of the purchase money aforesaid, in virtue of this act.

Audit of claims.

*And be it further enacted,* That the aforesaid demands, accounts and claims so to be presented, shall be presented to the said trustees,

or the survivors or survivor of them, and by them or him audited or allowed, and in case any controversy shall arise of and concerning the same, it shall and may be lawful for the said trustees, or the survivors or survivor of them, or the heirs of such survivor, to have every such controversy determined in the manner following, that is to say: The said trustees or the survivors or survivor of them, shall nominate one person, not interested in such controversy, and the other party in such controversy shall also nominate one indifferent person, which two persons shall choose a third person, alike indifferent in the said controversy, and the said three persons so nominated and chosen, shall be referees finally to settle such controversy, and the decision and determination of them, or any two of them, shall be conclusive of, and concerning the premises.

*And be it further enacted,* That in case any part of the aforesaid premises so to be granted, shall remain unsold, after the payment of the said debts, then and in such case, the said trustees or the survivors or survivor of them, and his heirs shall be deemed seised of such residuary part of the same, as may be unsold, to and for the use and benefit of the children of the said Nathan Dean, or the survivors or survivor of them, his, her or their heirs and assigns forever.

Unsold  
lands to  
revert to  
heirs.

*And be it further enacted,* That it shall and may be lawful to and for the said trustees by this act named, and the survivors or survivor of them, out of the monies which shall come to his or their hands, by virtue of this act, in the first place to pay, retain and discharge all such charges and expences as they, or either of them shall be put unto, or in any wise sustain, in execution of the trusts herein declared or contained, and also to retain at and after the rate of five per centum, on the amount of the said purchase money, for his and their commissions and trouble in and about the execution of the said trusts. And that none of the said trustees, nor the executors or administrators of either of them, shall be answerable or accountable, for any sum or sums of money whatsoever, but such as he or they shall respectively actually receive, and not one of them for the receipts, acts or defaults of another of them, but each of them for his own acts, receipts, or wilful defaults only, and not otherwise.

Expenses  
of trustees.

*And be it further enacted,* That the said trustees, or the survivors or survivor of them, shall be subject to such orders and directions, for the more effectually putting this act in execution, as shall from time to time be made, and given by the court of chancery of this State.

Under di-  
rection of  
court of  
chancery.

*And be it further enacted,* That it shall and may be lawful to and for the commissioners of the land office, to grant letters patent to the above named Squire Whitaker, his heirs and assigns in severalty, for such part of the aforesaid six hundred acres, as to them it shall appear he is entitled unto, in virtue or pursuance of the act above mentioned.

Letters  
patent to  
Squire  
Whitaker.

## CHAP. 84.

AN ACT to amend an act entitled "An act to incorporate the stock holders of the New York Insurance Company.

PASSED the 4th of April, 1800.

WHEREAS in and by the third section of the act entitled "An act to incorporate the stockholders of the New York Insurance Company it

Preamble.

is provided that if at any election of directors of the said company a greater number than twelve, exclusive of the president who served for the then preceeding year shall appear to be elected, then the election of such person or persons above the said number and who shall have the fewest number of votes shall be considered as void:

*And whereas* the said restriction is detrimental to the interests of the said company by removing from the direction thereof persons well qualified by their experience to accomplish the purposes of the said institution. Therefore,

Directors  
may be re-  
elected.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly* That it shall and may be lawful for the stock holders of the said company at any election for directors thereof to elect and chose as many of the directors of the preceeding year as to the said stock holders shall seem proper any thing in the above mentioned act to the contrary thereof in any wise notwithstanding.

## CHAP. 85.

AN ACT to amend the act entitled "An act further to continue the treasurer of this State in office" passed the fifteenth of February one thousand eight hundred.

PASSED the 4th of April, 1800.

Preamble.

WHEREAS doubts are entertained whether the act entitled "An act further to continue the treasurer of this State in office" passed the fifteenth day of February last authorized the oath of office to be administered to the treasurer or the bond required for the faithful performance of his duties to be taken after the first day of March last. Therefore,

Bond to be  
filed and  
oath taken.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That Robert McClallen the treasurer of this State shall on or before the first day of May next appear before one of the judges of the supreme court of this State, and take the oath prescribed in the act entitled "An act to continue the treasurer of this State in office" passed the twenty second of February one thousand seven hundred and ninety nine and shall also on or before the same first day of May next give such bond as is required in and by the last mentioned act the sureties in which bond shall be approved of by the president of the senate and the speaker of the house of assembly which bond shall be lodge in the office of the secretary of this State.

Cancellation  
of  
former  
bond.

*And be it further enacted* That the bond so to be given shall have relation to and be of the like effect as if the same had been executed on the first day of March last and on the said bond being filed in the office of the secretary of this State the bond given by the said Robert McClallen on the thirteenth day of March last shall be delivered up to him by the said secretary to be cancelled.

## CHAP. 86.

AN ACT for laying a road from Cherry Valley to the outlet of the Skaneateles lake.

PASSED the 4th of April, 1800.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly* That Luther Rich, Samuel Clemons and Samuel Tyler shall be and hereby are appointed commissioners for the purpose of laying a public road or highway from the town of Cherry Valley in the county of Otsego to the outlet of the Skaneateles lake in the town of Marcellus in the county of Onondaga in a line as nearly straight as the ground will admit of, and that the said road when so laid out as aforesaid shall be considered as a public road or highway and shall not be altered or removed by the commissioners of any town or county through which the same may be laid as aforesaid.

Road from  
Cherry  
Valley to  
Skaneateles outlet.

*And be it further enacted* That where any part of the said road shall be laid out through any inclosed or improved lands, the owner or owners thereof shall be paid the value of the said lands so laid out into an highway with such damages as he she or they may sustain by reason thereof, which value and damages shall be settled and agreed upon by the said commissioners or any two of them and the parties interested therein; and if they can not agree then the value of the land and damages shall be appraised by two justices of the peace on the oaths of twelve freeholders not interested in paying or receiving any part of such appraisement otherwise than in paying their proportion of taxes for the contingent charges of the county, which freeholders shall be summoned by any constable not otherwise interested than as aforesaid by virtue of a warrant to be issued by the said two justices of the peace for that purpose, and the whole value of the said lands so laid out into an highway and damage together with the costs of ascertaining the value of the said damages shall be levied collected and paid as the other contingent charges of the county in which the said land shall be situated are levied collected and paid.

Entry on  
lands;  
damages.

*And be it further enacted* That each of the commissioners shall be entitled to receive for their services the sum of one dollar and fifty cents for every day they have shall be respectively employed in the said business, to be paid by the respective counties in which they shall be so employed which sums shall be raised levied and paid together with and in the same manner as the necessary and contingent charges of such county are raised, levied and paid.

Compensation of  
commissioners.

## CHAP. 87.

AN ACT to enable the mayor, aldermen and commonalty of the city of New York, to purchase certain houses and lots of ground which are in such a state as to endanger the health of the said city.

PASSED the 4th of April, 1800.

WHEREAS the mayor, aldermen and commonalty of the city of New York in common council convened have by petition under their com-

Preamble.

mon seal represented to the legislature that among the various other causes which probably tend to promote disease in the said city during the summer and autumnal seasons, are the buildings erected in many parts of the said city, upon lots of ground so short, as to deprive such buildings of the free circulation of the air, and to compel the occupants of them to make the cellar or other parts thereof receptacles of filth and dirt; and that the buildings on each side of Moore street and on the west side of Broad street in the neighborhood of the Exchange slip, in the first ward of the said city, and those between Front street and South street on the west side of the Fly market, and its slip, in the second ward thereof, are of the said description. Wherefore the said mayor aldermen and commonalty with a view to obviate the evil consequences that may arise from the said cause, are desirous to have it in their power to purchase the said buildings and lots, and the lots of ground thereunto adjoining upon a fair valuation, if they are enabled to do so. Therefore

Purchase  
of lots and  
buildings  
by mayor,  
aldermen  
and com-  
monalty.

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That it shall and may be lawful for the said mayor, aldermen and commonalty in common council convened to treat and agree with the respective owners of all and every of the said buildings and the lots of ground thereunto belonging and also of the lots adjoining to the said lots and every other person or persons interested therein, for the purchase of the same buildings and lots and every or any part thereof, and also if such person or persons or any of them shall not agree with the said mayor, aldermen and commonalty in manner aforesaid; or if no treaty shall be had for that purpose, then and in any such case, that it shall and may be lawful for the mayor or recorder or any two or more of the aldermen of the said city to issue a precept under their hands and seals directed to the sheriff of the city and county of New York commanding him to empanel and return a jury of freeholders, to appear at the then next court of common pleas called the mayors court of the said city not less than fourteen days after the date of such precept, to enquire of and assess the just and true value of the said buildings, and the lots of ground thereunto belonging and of the lots of ground adjoining to the said first mentioned lots and every or any of them, and to notify such owners either personally or by notice in writing left at their usual place of abode or upon the premises belonging to them respectively, at least ten days before the return of the said precept to appear in the said court, at the day and place in such precept specified. And upon the return of such precept duly served the said jury after being first sworn faithfully and impartially to execute the duty imposed upon them by this act, and having viewed the premises (if required by the said owners respectively their agents or attornies or any of them) shall enquire of and assess the value of such buildings and lots of ground, as may be then given them in charge, and every of them, and apportion such value among such owners, according to their several and respective interests and estates therein, and upon such assessment being made and returned to the said court, and upon payment of the sums so to be assessed as aforesaid or tender and refusal thereof, the said mayor aldermen and commonalty shall be deemed to be seized and shall become seized in law of an estate in fee simple of and in all and singular the buildings and lots of ground the value of which shall be so as aforesaid assessed and paid or tendered to the respective owners thereof and by them refused. And thereupon the said mayor, alder-

men and commonalty may regulate, divide and dispose of the said buildings and lots of ground, and every of them, as they shall think will best conduce to the health and welfare of the said city.

## CHAP. 88.

AN ACT for dividing the first ward in the city of Albany.

PASSED the 4th of April, 1800.

WHEREAS the first ward in the city of Albany is large and populous and the mayor, aldermen and commonalty of the said city under their common seal have prayed a division of the same Preamble. Therefore

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That from and after the last Monday in September next the first ward of the said city of Albany, shall be and is hereby divided by the following line to wit, beginning on the north side of State at the south west corner of the store now occupied by Messrs Stewart and Townsend and running from thence across said State street to and through the middle of Green street to the intersection of Bone lane with said Green street, from thence with a straight line to and through the middle of Frelinghuysen street to the south bounds of the said city and that the western part of the said ward be called and known by the name of the first ward of the city of Albany and the eastern part by the name of the fourth ward of the said city. First ward divided.

*And be it further enacted* That the freeholders and inhabitants of the said wards respectively, shall be and hereby are empowered to hold elections, and elect, from each of the said wards, two aldermen and two assistants and such other officers as the other wards in the said city of right elect, and enjoy all such privileges as the freeholders and inhabitants of the other wards of right do. Ward of floors.

## CHAP. 89.

AN ACT for raising a sum of money by tax to make alterations and repairs in the gaol of the city and county of Albany and for other purposes.

PASSED the 4th of April, 1800.

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That it shall be lawful for the supervisors of the county of Albany and they are hereby required at their meeting on the last Tuesday in May next to order such sum of money as they shall think necessary not exceeding fifteen hundred dollars together with the charges of collecting the same to be assessed levied, and collected on the freeholders and inhabitants of the city and county of Albany, pursuant to the directions of the "Act for the assessment and collection of taxes" passed the first day of April one thousand seven hundred and ninety nine, for the purpose of making such alterations and repairs in the gaol of the city and county of Albany as the Tax levy for repairs to jail.

said supervisors or any person to be appointed by them for superintending the work shall think requisite.

Applica-  
tion of  
moneys.

*And be it further enacted* That the treasurer of the city and county of Albany shall as soon as the monies arising from such tax shall come to his hands pay the same to the order of the supervisors of said county, or to such person as they shall appoint superintendent, and the superintendent shall account with the board of supervisors for the monies that may come to his hands, whenever thereunto required.

Tax levy  
for bridge  
over Nor-  
man's kill.

*And be it further enacted* That it shall and may be lawful for the supervisors of the county of Albany, and they are hereby required at their next annual meeting to cause to be assessed, levied and collected in the said county, in the same manner as the necessary and contingent charges of the county are by law directed to be levied and collected the sum of five hundred dollars over and above the sum annually to be raised for the use of roads and bridges, which sum shall be paid by the collectors of the respective towns into the hands of the treasurer of the city and county of Albany, to by him paid to Francis Nicoll, John Glen and Garret Witbeck, superintendants of highways of the county of Albany or their order, for the purpose of being appropriated towards discharging the disbursements made by said superintendants in erecting and completing the bridge over the Normans kill near the city of Albany.

## CHAP. 90.

AN ACT to avoid unnecessary delays of executions, and to repeal the act therein mentioned.

PASSED the 4th of April, 1800.

Stay of ex-  
ecution in  
personal  
actions.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That no execution shall be stayed or delayed, upon or by any writ of error of supersedeas thereupon to be sued for the reversing of any judgment, given or to be given in any personal action whatsoever, unless such person or persons in whose name or names such writ of error shall be brought, with two sufficient sureties, or in the absence of such person or persons three sufficient sureties such as the court wherein such judgment is or shall be given shall allow of, shall first, before such stay made or supersedeas awarded, be bound unto the party for whom any such judgment is or shall be given, by recognizance, to be acknowledged in the same court, in double the sum adjudged to be recovered by the said former judgment to prosecute the said writ of error with effect, and also to satisfy and pay, if the said judgment shall be affirmed, all and singular the debt, damages and costs adjudged or to be adjudged upon the former judgment, and all costs and damages to be awarded for the delay of execution.

Where  
writs of  
error  
brought in  
writs of  
dower or  
actions of  
ejectment.

*And be it further enacted,* That in writs of error brought upon any judgment in any writ of dower, or in any action of ejectment, no execution shall be thereupon or thereby stayed, unless the plaintiff or plaintiffs, in such writ of error or in the absence of the plaintiff or plaintiffs, one sufficient surety shall be bound unto the plaintiff in such writ of dower, or action of ejectment, in such reasonable sum, as the courts to which such writs of error shall be directed shall think fit,

with condition, that if the judgment shall be affirmed in the said writ of error, or if the said writ of error be discontinued, in default of the plaintiff or plaintiffs, therein, or if the said plaintiff or plaintiffs be non suit in such writ of error, that then the said plaintiff or plaintiffs shall pay such costs, damages and sum or sums of money, as shall be awarded upon or after such judgment affirmed, discontinuance or nonsuit; and to the end that the same sum and sums of money and damages may be ascertained the court wherein such execution ought to be granted, upon such affirmance, discontinuance or non suit, shall issue a writ to enquire as well of the mesne profits, as of the damages by any waste committed after the first judgment in dower or in ejectment; and upon the return thereof judgment shall be given, and execution awarded for such mesne profits and damages, and also for the costs of suit. *Provided always* that this act or any thing therein contained, shall not extend to any writ of error to be brought by any executor or administrator, nor to any action popular, nor to any action upon any penal statute, nor to any indictment, presentment, inquisition, information or appeal. *Provided also* that nothing in this act contained shall extend to any suit or action, wherein the people of this State are parties, or to any suit or action prosecuted or defended by the attorney general for or in behalf of the people of this State.

*And be it further enacted*, That the act entitled "An act to avoid unnecessary delays of executions," passed the sixth of February one thousand seven hundred and eighty eight, be and the same is hereby repealed. Act recited repealed.

## CHAP. 91.

**AN ACT** authorising the payment of a sum of money due on a contract made by the commissioners of fortifications and for other purposes.

PASSED the 4th of April, 1800.

WHEREAS the commissioners appointed for erecting and repairing fortifications in the city of New York, by the act entitled "An act authorising the erecting of fortifications within this State passed March the twenty sixth one thousand seven hundred and ninety four have in executing the duties required in and by the said act expended the sum of six thousand five hundred and forty six dollars and sixty four cents more than the sum appropriated by the said act. Therefore. Preamble.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly* That the comptroller of this State shall upon due proof of the expenditure of the said sum of six thousand five hundred and forty six dollars and sixty four cents allow the same and shall issue his warrant on the treasurer of this State in favor of the commissioners aforesaid for the said sum and the treasurer is hereby directed to pay the same out of any monies in the treasury not otherwise appropriated. Appropriation for fortifications.

*And be it further enacted* That it shall and may be lawful for the comptroller to examine and audit the account of John McClean for sundry expences incurred in collecting together and transporting artillery and military stores to the new arsenal in New York and for other services and to draw his warrant on the treasurer for the amount Claim of John McClean.



thereof who is hereby directed to pay the same out of any money in the treasury not otherwise appropriated.

Claim of  
New York  
city.

*And be it further enacted* That it shall be lawful for the comptroller to draw his warrant on the treasurer in favour of the mayor aldermen and commonalty of the city of New York for the sum of twelve thousand three hundred and sixty eight dollars being the amount remaining due and unpaid for services performed and materials found in pursuance of the act entitled "An act for the further defence of this State and for other purposes" passed the twenty seventh day of August one thousand seven hundred and ninety eight and the treasurer shall pay the same accordingly out of any monies in the treasury not otherwise appropriated.

## CHAP. 92.

AN ACT for raising a further sum of money to finish the court house and gaol in the county of Schoharie and for other purposes.

PASSED the 4th of April, 1800.

Tax levy  
for court  
house and  
jail.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That it shall be lawful for the supervisors of the several towns in the county of Schoharie, and they are hereby required, to cause to be raised and levied on the freeholders and inhabitants of the said county a further sum of one thousand five hundred dollars by a tax, for completing the court house and gaol in the said county, together with an additional sum of four cents on each dollar for collecting the same, and one cent on each dollar for the treasurer's fees, to be levied collected and paid in the same manner as the other contingent charges of the said county are by law directed to be levied collected and paid.

When to be  
paid.

*And be it further enacted* That the said sum of one thousand five hundred dollars, shall be collected and paid into the treasury of the said county, on or before the first Tuesday of December next.

Fees of  
treasurer.

*And be it further enacted,* That it shall be lawful for the treasurer of the said county to retain in his hands the sum of one cent on each dollar he shall so receive as a compensation for his trouble in receiving and paying over the said monies.

Courts;  
prisoners.

*And be it further enacted,* That it shall be lawful to and for the judges and assistant justices of the court of common pleas in and for the county of Schoharie and for the justices of the court of general sessions of the said county to adjourn the said courts to meet at the said court house whenever in the opinion of a major part of them it shall be in a fit condition to hold the said courts; and that it shall be the duty of the sheriff of the county of Albany to deliver over to the sheriff of the said county of Schoharie all prisoners in his custody belonging to the said county Schoharie whenever it shall be certified by the major part of the judges of the court of common pleas of the county of Schoharie that the gaol of the said county is in a fit condition for their confinement; and no such transfer of prisoners from the gaol of the county of Albany to the gaol of the county of Schoharie shall be deemed an escape.

## CHAP. 93.

AN ACT to amend an act entitled "An act to regulate the salting, repacking and inspection of beef and pork for exportation.

PASSED the 4th of April, 1800.

*Be it enacted by the People of the State of New-York represented in Senate and Assembly,* That it shall and may be lawful for the person administering the government of this State, for the time being, by and with the advice and consent of the council of appointment, to appoint three additional repackers and inspectors of beef and pork, in and for the city and county of New-York. Additional repackers for New York county.

*And be it further enacted,* That the inspector-general of provisions of the city and county of New-York, shall be and he is hereby authorised and empowered to supply such vacancies as may happen by the death, resignation, or displacing of any repacker or inspector of beef and pork in the said city and county, by temporary appointments, which shall continue in force, until the pleasure of the council of appointment can be known. And it shall be the duty of the said inspector-general to report all such cases to the person administering the government of this State, as soon as may be. Vacancies.

*And be it further enacted,* That the inspector-general shall be and he hereby is authorised by writing under his hand and seal, to appoint a deputy to superintend the repackers and inspectors, in case of sickness or necessary absence, and also to appoint in the same manner, one or more persons for the special purpose of examining and tapping beef and pork, as is directed in the act hereby amended, and to displace the same. Deputy inspector-general.

*And be it further enacted,* That after the first day of September next all barrels and half barrels in which any beef or pork shall be repacked may be made with good seasoned white oak, rock oak, or white ash staves and heading; and such pork barrels shall be of a capacity to contain not less than twenty nine, nor more than thirty one gallons; and half barrels not less than fifteen nor more than sixteen gallons, *provided* that the said barrels and half barrels shall in the opinion of the inspector-general be every way strong and tight enough to prevent the pickle from leaking out; *and provided also,* that in all cases the heading and staves shall be of the same kind of stuff. *And whereas* doubts have arisen, respecting the true construction of the proviso in the second section of the act hereby amended, Therefore How beef and pork to be packed.

*Be it further enacted,* That all beef and pork repacked agreeably to the said act, in the counties of Suffolk, Kings and Queens, may be exported from New-York as well as from the said counties, without again being repacked, and that nothing contained in the said act, shall be considered as prohibiting any beef or pork put up in the said counties from being repacked in the city of New-York, if the owner shall request it. Id., Long Island.

*And be it further enacted,* That the inspector-general shall have and receive in addition to the compensation now allowed by law, for every barrel or half barrel of beef or pork, which may be inspected or repacked by the inspectors, or repackers of the city and county of New-York, one cent, and for every barrel or half barrel of beef or pork, every time he may examine the same two cents. And that the repackers in the city and county of New-York shall have and receive in Additional fees.

addition to the compensation now allowed by law two cents for every whole barrel and one cent for every half barrel of beef and pork, which they shall inspect and repack, and the same additional compensation, for flagging, nailing, pegging and pickling every barrel or half barrel of the same. And that no inspector or repacker of beef and pork, shall hereafter under any pretence whatever, buy or sell any beef or pork, excepting remnants, which may be occasioned by the barrels overrunning or falling short of the weight required by law.

Intermix-  
ing beef or  
pork.

*And be it further enacted,* That if any person or persons shall at any time hereafter, intermix, take out or shift any beef or pork that has already been repacked and branded, any person so taking out, intermixing, and fraudulently shifting such beef or pork, shall forfeit and pay for every such offence the sum of fifty dollars; and if any person shall fill up with beef or pork, any barrel or half barrel, from which beef or pork has been taken and which was branded as by law directed, and shall sell it or offer to sell it under the old brand shall forfeit the sum of fifty dollars, for each barrel, and twenty five dollars for each half barrel so filled up and sold, or offered for sale.

How pork  
may be  
cut.

*And be it further enacted,* That it shall be lawful for any person to cut the pieces of pork, which may be put up in barrels or half barrels to be repacked, from the back bone to the belly, provided the same shall not exceed twelve nor be under four pounds weight.

Lists of  
inspectors  
to be  
furnished.

*And be it further enacted,* That it shall be the duty of the secretary of this State to furnish the said inspector-general with the names of all persons who shall be appointed inspectors and repackers of beef and pork in any part of this State, with the names of all inspectors and repackers who shall be displaced, immediately after the same shall be so appointed or displaced, without fee or reward.

How  
penalties  
recorded.

*And be it further enacted,* That the penalties inflicted by this act, shall be sued for and recovered in the same manner as directed in the act hereby amended.

Where re-  
packing  
may be  
done

*And be it further enacted,* That from and after the first day of September next no beef or pork shall be repacked in the city of New York, southward of a line beginning at the East river running up Catherine street to Chatham street, down Chatham street to the publick, buildings, in front of said buildings, to Broadway, down Broadway to Barclay street, and down Barclay street to the North river.

Brand of  
maker of  
barrels.

*And be it further enacted,* That after the first day of January next, no beef or pork put up in this State shall be repacked unless the barrels or half barrels containing the same, shall be branded on the bilge or side, with the initial of the christian name; and the surname at full length of the person making or causing such barrels or half barrels to be made, and it shall be the duty of the person making or causing to be made such barrels or half barrels, to brand the same as afore said.

How  
pickled or  
salted.

*And be it further enacted,* That so much of the fifth section of the act hereby amended, as requires that no beef shall be repacked or marked by the inspectors, unless it shall have been put down in a sufficient quantity of dry salt in which it shall have remained fourteen days or more, be and the same is hereby repealed; and that hereafter instead thereof, all beef to be repacked and marked shall be put down in dry salt and pickle or dry salt until it shall be struck through with salt to the satisfaction of the inspectors.

Hearts,  
heads and  
hocks.

*And be it further enacted* That it shall and may be lawful to put up and to export from this State a fourth quality of beef to be denominated and marked heads, hearts, and hocks, to consist of legs, necks,

hearts and the meat of heads, and which fourth quality shall be subject to the like management and inspection, as the other qualities of beef are by law made subject to.

*And be it further enacted,* That so much of the act entitled, "An act to regulate the salting, repacking and inspection of beef and pork for exportation" as comes within the purview of this act shall be and hereby is repealed. Parts of act repealed.

*And be it further enacted,* That it shall be the duty of the inspector general to make an annual report to the governor to be laid before the legislature, in which report he shall point out, whether any, and if any what amendments are proper to be made in the laws relative to the repacking of beef and pork; and likewise what quantity of beef and pork has been repacked in the city of New-York in the year preceding such report. Reports by inspector-general.

## CHAP. 94.

AN ACT to amend the act entitled "An act concerning the supreme court."

PASSED the 4th of April, 1800.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That hereafter the July term of the supreme court of judicature of this State, shall commence and be held at the city of New York, on the second Tuesday in July in every year and that the said term shall continue and be holden from the time of its commencement every day except Sunday until and including Saturday in the next week. Terms of supreme court.

*And be it further enacted* That the justices of the said court may in their discretion continue the several and respective terms thereof one week beyond the period now fixed by law, provided that nothing in this section contained, shall authorize the teste or return of process, after the second week of the said respective terms. Length of terms.

*And be it further enacted* That the next circuit court and courts of oyer and terminer and gaol delivery in and for the county of Chenango, shall instead of the fourth Tuesday of May next, be holden on the last Monday in June next any thing in any former law or appointment to the contrary notwithstanding. Chenango circuit.

## CHAP. 95.

AN ACT relative to the courts of common pleas and general sessions of the peace in the county of Rensselaer.

PASSED the 4th of April, 1800.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That the courts of common pleas now established by law to be holden in and for the county of Rensselaer shall after the passing of this act, be held and commence on the third Monday of May, the first Monday of October, and on the third Monday of February in each year, and may continue to be holden from each Courts in Rensselaer county.

of the said days respectively until Tuesday in the next succeeding week inclusive and not longer, and that the courts of general sessions of the peace in and for the said county, shall after the passing of this act be holden on the said third Monday in February and first Monday of October in each year, and may continue until Tuesday in the next succeeding week inclusive and not longer. *Provided always*, that the judges and assistant justices of the said courts respectively, may adjourn the same on any day previous to the end of each of the said terms if in their opinion it be expedient, and *provided also* that the petit jury attending the said courts at any of the said terms, shall in no case be required to attend the same longer than until Saturday in the week in which such term shall commence.

Return of  
writs.

*And be it further enacted* That all writs to be issued out of the said court of common pleas before the said third Monday in May next may be made returnable either on the said third Monday in May next, or on the second Tuesday in June next and in cases in which writs have been or shall be made returnable on the second Tuesday in June next, such writs shall be returned on the said third Monday next; and all bail bonds whereby any persons shall have been let to bail shall be deemed and adjudged to require the appearance of the parties so let to bail on the said third Monday in May next, notwithstanding the same may be conditioned for the appearance of the parties therein on the second Tuesday in June next; and all recognizances whereby any person or persons are bound and required to appear on the said second Tuesday in June next, shall be deemed and adjudged to require such person or persons to appear at the said general sessions of the peace on the said third Monday in May next, any law to the contrary notwithstanding.

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## CHAP. 96.

AN ACT to amend the act entitled "An act to divide the county of Onondaga."

PASSED the 4th of April, 1800.

Returns to  
writs in  
Onondaga  
county.

*Be it enacted by the People of the State of New York represented in Senate and Assembly*, That the judges and assistant justices of the court of common pleas of the county of Onondaga shall make return to all writs of error and habeas corpus to them directed or to be directed in any suits commenced in the said court before the fourth Tuesday of May in the year of our Lord one thousand seven hundred and ninety nine, and the clerk of the county of Cayuga is hereby required to make out such transcripts of records and returns in such suits as the judges and assistant justices of the court of common pleas of the county of Onondaga shall from time to time direct, which transcripts and returns when certified under the seal of the court of Onondaga shall be of the like force and effect as if the act entitled "An act to divide the county of Onondaga" passed the eighth day of March one thousand seven hundred and ninety nine, had not been passed.

Division of  
county not  
to affect  
certain  
actions.

*And be it further enacted* That the process in all suits on bail bonds, taken in any action commenced as aforesaid shall be directed to such officer and served in the same manner as if the act hereby amended had not been passed.

*And be it further enacted* That the office of the clerk of the county of Cayuga shall be deemed and considered as the proper office for the recording of all deeds, instruments and papers now deposited in the same office, and of all deeds, instruments and papers bearing date prior to the eighth day of January in the year one thousand seven hundred and ninety four as by any law, usage or custom may be recorded, notwithstanding the lands to which such deeds, instruments and papers relate may be within the county of Onondaga. Registry of deeds in Cayuga.

*And be it further enacted,* That it shall and may be lawful for the clerk of the said county of Onondaga to hold and exercise any additional office or appointment in like manner as the clerks of the respective counties in this State an\* by law enabled to do, any thing in any former law to the contrary notwithstanding. Eligibility of clerk to office.

## CHAP. 97.

AN ACT to amend an act entitled an act for the inspection of flour & meal.

PASSED the 4th of April, 1800.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the manufacturer or owner of any flour or meal put up in a cask or casks, shall be and hereby is made subject to a penalty of fifty cents for every pound each such cask is tared, less than the true weight thereof, and any inspector of flour or meal having reason to suspect such cask or casks to be falsely tared may ascertain the same by a suitable examination thereof. Penalty for false tare.

*And be it further enacted* That it shall be lawful for any inspector of flour and meal to enter on board of any vessel between sun rise and sun set, to search for flour or meal that he may have reason to suspect has been shipped contrary to the true intent and meaning of this act, or the act hereby amended, and if any person shall hinder or interrupt any such inspector in so entering on board and searching, every such person shall forfeit and pay one hundred dollars to be recovered in any court having cognizance thereof, one half to the use of the overseers of the poor in the city or town where the offence may happen and the other half to the person prosecuting for the same. Examination of vessel on suspicion.

*And be it further enacted* That for the more certain and easy recovery of the penalties for the false tare or brand mark upon any cask of flour or meal, it shall be lawful for the inspector thereof to seize and sell the same, and out of the nett proceeds retain such penalty or penalties, one half for his own use, and the other half to the overseers of the poor in the city or town where the same may be recovered to the use of the poor thereof, and pay the remainder to the owner or consignee of such flour or meal. Seizure for false tare or brand marks.

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\* So in the original.

## CHAP. 98.

AN ACT repealing part of the fourth section of the act entitled  
 "An act to reduce the laws concerning costs into one statute.

PASSED the 4th of April, 1800.

Costs in  
certain  
actions.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That so much of the fourth section of the act entitled "An act to reduce the laws concerning costs into one statute" as exempts the plaintiff in certain causes from payment of costs, on having caused an affidavit or oath to be made and filed before the commencing certain suits or actions be and the same is hereby repealed; and hereafter if any action, bill, plaint, suit or cause, not concerning any freehold or inheritance, or title of land, nor for any assault, battery or imprisonment, nor for slander, nor for replevin or malicious prosecution, which have been or shall be brought or commenced in any of the courts of common pleas or mayors courts in any of the cities or counties of this State, if the plaintiff shall not recover above the sum of ten pounds, then and in every such case, the plaintiff shall not recover any costs of suit, but the court shall award, that the plaintiff shall pay to the defendant, his her or their costs to be taxed, except where the plaintiff prosecutes as executor or administrator.

## CHAP. 99.

AN ACT to enable the chancellor for the time being to sue and be  
 sued in chancery.

PASSED the 4th of April, 1800.

Preamble.

WHEREAS no provision has been made whereby the chancellor where he has equitable claims, or where such claims exist against him, can sue or prosecute the same, or whereby the claims of others against him may be sued or prosecuted. Therefore

Chief  
justice to  
have juris-  
diction.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That in all such cases where the chancellor for the time being shall be party to a suit in chancery either as complainant or defendant that the bill be filed before the chief justice of the State for the time being, and prosecuted in the same manner as other bills in chancery are usually prosecuted, and the said chief justice for the time being, is hereby authorized and empowered to hear and determine the said suit agreeably to the rules orders and practice of the court of chancery.

## CHAP. 100.

AN ACT requiring sheriffs and coroners to deliver to the party  
 chargeable therewith, a bill of fees prior to the commencing any  
 action therefor.

PASSED the 4th of April, 1800.

Actions  
for fees by  
sheriffs and  
coroners.

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That no sheriff or coroner shall commence any suit or action for recovery of any fees, until eight days, after he

shall have delivered to the party to be charged therewith, or left for him or her, at his or her dwelling house or last place of abode, a bill of such fees, charges and disbursements, written in a common legible hand in the English tongue (except land terms and the names of writs) and in words at length, (except times and sums and such abbreviations as are commonly used in the English language) subscribed with the proper hand writing of such sheriff or coroner.

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## CHAP. 101.

### AN ACT relating to the Oneida tribe of Indians.

PASSED the 4th of April, 1800.

WHEREAS it hath been represented to this legislature by the petition of John Docktader and others of the Oneida tribe of Indians, that that part of the said tribe of Indians living at Canasaraga from their remote distance from the Oneida Castle, receive no benefit of the money appropriated for the maintenance of a public school in the said tribe for remedy whereof. Preamble.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That it shall and may be lawful for the person administering the government of this State for the time being to distribute the money intended in and by the third section of the act entitled "An act for the better support of the Oneida Onondaga and Cayuga Indians" for the maintenance of public schools in the said Oneida tribe in such manner as the several villages of the Oneida tribe of Indians may have the benefit of part of the money so appropriated, for the purpose of maintaining schools in the said villages, as the said person administering the government of this State shall deem most conducive to the interests and benefit of the said several villages of the said Oneida tribe of Indians. School moneys for Oneida Indians.

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## CHAP. 102.

### AN ACT to establish a turnpike corporation in the county of Orange.

PASSED the 4th of April, 1800.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That William Wickham, John Steward, James Everett, James Carpenter, Thomas Waters, James W. Wilkin, David M. Westcott, Anthony Dobbin, Jonathan Swezy, John Wood, Solomon Smith, and John Gale Junr and all such persons as shall associate for the purpose of making a good and sufficient road from the house of Moses Cunningham, in the town of Cheescocks in the said county of Orange, to the intersection of the road leading from Sterling iron-works, near the house of Stephen Sloats, running in the present road as far as circumstances will permit; shall be and hereby are created and made a corporation and body-politic, in fact and in name, by the name of "The President Directors and Company of the Orange Turnpike Road Company incorporated.



Orange Turnpike-Road," and by that name they shall be capable in law, to purchase, have, hold, enjoy and retain, to them, and their respective successors, lands, tenements, hereditaments, goods, chattels and effects of every kind whatsoever, and the same or any part thereof to sell, grant, demise, alien or dispose of, to sue, and be sued, plead, and be impleaded, answer and be answered unto, defend and be defended, in courts of record or any other place whatsoever. *Provided however*, that the amount of the real estate, which the said corporation are hereby authorized to purchase and hold, shall not exceed two thousand dollars. *And provided further* that such estate so to be purchased and held shall be necessary to fulfil the end and intent of the corporation hereby created and made, and to no other use, intent or purpose whatsoever.

Subscriptions to stock.

*And be it further enacted* That George D. Wickham, John Bradner, David Webb, Seth Martin, and Selah Strong, be and they are hereby appointed commissioners to do and perform the several duties hereinafter mentioned, that is to say, they shall on or before the first day of June next, procure five books and in each of them enter as follows: "We whose names are hereunto subscribed do for ourselves and our legal representatives, promise to pay the President Directors and Company of the Orange Turnpike-Road, the sum of twenty five dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportion, and at such time and place as shall be determined by the said president directors and company; one of which books shall be left with each of the said commissioners at their respective places of abode, who shall keep the same open for the purpose of receiving subscriptions. And every subscriber shall at the time of subscribing pay unto either of the said commissioners, the sum of five dollars for each share so subscribed; and the said commissioners shall as soon as one hundred shares have been subscribed, cause an advertisement to be inserted in the public news-paper printed in the town of Goshen, giving at least twenty days notice of the time and place the said subscribers shall meet for the purpose of choosing thirteen directors, who shall be stockholders, for the purpose of managing the concerns of the said company for one year; and the day of choosing the said directors, shall thereafter be the anniversary day of choosing directors; and the said directors, elected by a plurality of the votes of the stockholders present, shall immediately proceed to the choice of one of their number for president; and the said president and directors, shall and may meet from time to time, and at such times and places as they may by their bye-laws, rules, orders, and regulations, not inconsistent with the Constitution or laws of this State, or of the United States, deem necessary for the well ordering the affairs of the said corporation. *Provided* at the election of directors, no person shall have more than twenty votes, whatever number of shares he may be entitled to; and that each person shall be entitled to one vote for every share by him held under the said number.

Election of directors.

President pro tempore.

*And be it further enacted* That if at any meeting of the directors of any turnpike-company, or corporation, the president thereof shall not attend, then and in such case it shall and may be lawful for the directors of such corporation, to appoint a president for the time being.

Capital stock.

*And be it further enacted* That the said president and directors may continue to receive subscriptions to the stock of the said corporation until there shall be two hundred and fifty shares subscribed; that they

shall have power to appoint such officers, agents, clerks, artists, workmen and others under them as shall be necessary for executing the business of the said corporation.

*And be it further enacted* That the said corporation by the president and directors, or by any agents, superintendants, artists, or other persons employed by them, may enter into any land where they may deem it proper to construct said road, and to lay out, survey and labour on such routes or tracts as shall be most eligible for a good and sufficient road between the places aforesaid, and contract with the owner, or owners, for the purchase of so much thereof as may be necessary for making said road, and erecting and establishing gates, toll-houses, and all other works to the said road belonging; and in case of disagreement between the said parties respecting the damages to be done to said land, or if the owner or owners shall be feme covert, insane, or under age, or out of the county, then it shall and may be lawful for the said president and directors to apply to one of the judges or assistant justices of the court of common pleas in and for the said county of Orange, not interested in the said road, who is hereby authorized and required to nominate, and by an instrument in writing signed by him, to appoint three commissioners being freeholders of the said county and who shall not be inhabitants of any of the towns through which said road shall pass; and it shall be the duty of the said president and directors, to cause a copy of such appointment to be served on each of said commissioners, who shall thereupon name a day for meeting on the said lands and performing the duties required of them by this act, and also to give notice to the owner or owners of such lands of the said appointment and the day, being at least four days from the time of giving such notice, when and where the commissioners will meet for the purpose of examining the lands and assessing the damages, (except in case the owner or owners shall labour under any of the disabilities aforesaid, or be absent, in either of which cases, a copy may be left at the dwelling house of the party (if any) or other notorious place on the land through which said road shall pass;) *and further* each of said commissioners shall before he proceeds to exercise the trusts reposed in him by this act, take and subscribe an oath before one of the justices of the peace in and for said county, that he will without favour or partiality estimate and assess the damages which may be sustained by the owner or owners of any lands or improvements, which the said corporation may deem necessary for the said road; and the commissioners shall then proceed to view the premises, and having determined the damages, shall make an inquisition under their hands and seals, or the hands and seals of any two of them, stating the amount of damages, if any, which each or any of the owner or owners of any parcel of land used or to be used for said road have sustained or shall sustain, which said inquisition shall be acknowledged by the commissioners signing the same before one of the judges aforesaid and filed together with the affidavit aforesaid in the office of the clerk of the said county of Orange, who shall at the expence, costs and charges of the president and directors aforesaid, enter the same of record in the book kept by him for recording deeds; and the said corporation paying to the several owners of said lands the several sums awarded by such inquisition, shall have and hold to them their successors and assigns forever, the lands and tenements described therein; and the president and directors aforesaid shall pay to the judge who made the appointment of said commissioners, two dollars, for his services, and to each of the said commissioners, for every day necessarily

Power to  
take lands;  
appraisal  
of value.

Compensation.

attending the duties required of them, by this act, two dollars and fifty cents.

Entry on  
lands;  
damages.

*And be it further enacted*, That it shall and may be lawful to and for the president directors and company of the said corporation and their superintendants, artists, workmen and labourers, with carts, waggons and other carriages, with their beasts of draft and burthen, and all necessary tools and implements, to enter upon the lands contiguous or near to the said road, first giving notice of such intention to the owners or occupants thereof, and doing as little damage thereto as possible, and repairing any breaches they make in the enclosures thereof, and making amends for any damage that may be sustained by the owners or occupants of such ground or improvements, by appraisement in manner herein after directed, and upon a reasonable agreement of the owners or occupants, if they can agree, or if they cannot agree, then upon an appraisement to be made upon the oath of three, or if they disagree, any two indifferent freeholders, to be mutually chosen, or if the owners or occupants neglect or refuse to join in the choice, to be appointed by any justice of the peace of the county, and on tender of the appraised value, to take any timber, stone, gravel sand or earth, being most conveniently situated for making or repairing the said road and turnpike, and to use the same in carrying on the said work.

Manner of  
construct-  
ing road.

*And be it further enacted* That the said president directors and company shall cause a road to be laid out, at least four rods wide, sixteen feet at least of which shall be bedded with wood, stone, gravel or any other hard substance, well compacted together, a sufficient depth to secure a good and solid foundation to the same; and the said road shall be faced with gravel or stone pounded, or other small hard substance in such manner as to secure a firm, and as near as the materials will admit an even surface, rising towards the middle by a gradual arch; and they shall, during the continuance of this act maintain and keep the same in good and perfect order.

License by  
governor.

*And be it further enacted* That as soon as the said president, directors and company shall have perfected the said road for any distance from either end of said road, not less than five miles, and so from time to time any other like distance progressively, they shall give notice thereof to the governor of this State, who shall thereupon forthwith nominate and appoint three skilful and judicious persons to view the same and report to him in writing, whether the said road is so far executed in a masterly and workmanlike manner, according to the true intent and meaning of this act, and if their report, be in the affirmative, then it shall be lawful for the governor, by license under his hand, and the privy seal of the State, to permit and suffer the said president directors and company to erect and fix such and so many gates or turnpikes upon and across the said road, as will be necessary and sufficient to collect the tolls and duties herein after granted to the said corporation from all persons travelling the same. *Provided always* That there shall not be more than three gates in the whole distance of the road above mentioned.

Rates of  
toll.

*And be it further enacted* That as soon as such road is perfected or such part thereof as aforesaid, and the same being examined and licensed in manner aforesaid, it shall and may be lawful for the president directors and company to appoint toll-gatherers, to collect and receive from all and every person or persons using the said road, the tolls and duties herein after mentioned; that is to say, for any number of miles not less than ten, the following sums of money, and so in proportion for any greater or less distance, to wit, For every score of

sheep, eight cents; for every score of hogs, eight cents; for every score of cattle, eighteen cents; for every horse and rider, or led horse, five cents; for every sulkey, chair or chaise with one horse and two wheels, twelve cents and an half; for every chariot, coach, coachee, or phaeton, twenty five cents, for every stage waggon, or other four wheeled carriage drawn by two horses, and for every cart drawn by two oxen, twelve cents and an half, and three cents for every additional horse; for every sleigh and sled, eight cents, if drawn by two oxen or two horses, and in the like proportion if drawn by a greater or lesser number of horses or oxen; and it shall be lawful for any of the said toll-gatherers to stop any person riding, leading or driving any of the herein enumerated articles from passing through the said gates or turnpikes until they shall have respectively paid the toll, not exceeding the rates above specified. *Provided always* That it shall and may be lawful for any person or persons residing within five miles of any of the gates or turnpikes to be erected on the said road, to compound by the year with the president and directors of the said corporation for the privilege of using the said road and passing through the said gates or turnpikes; and in case any such person or persons shall not be able to agree with the said president and directors upon the rate of composition, the same shall be determined in the manner provided by the fifth section of this act for ascertaining the value of lands that may be included in such road, except that it shall not be necessary for the inquisition or award of the commissioners, to be acknowledged and recorded.

Proviso, as to composition.

*And be it further enacted* That if any person who shall use the said road, shall with a view to evade the payment of the tolls required by this act, leave the said road and go round the said gates, every such person shall for each such offence forfeit and pay to and for the use of the president directors and company aforesaid, the sum of ten dollars, to be sued for in their names, before any justice of the peace by action of debt, to be recovered with costs of suit.

Evading toll.

*And be it further enacted* That if any of the toll-gatherers shall unreasonably delay or hinder any passenger or traveller at any of the gates, or shall demand or require more toll than is by this act established, he shall for each and every offence, forfeit and pay the sum of two dollars, to be recovered in manner and form aforesaid, with costs of suit in the name and for the benefit of the party delayed, hindered, or defrauded, besides all special damages accruing to the person so stopped or delayed.

Unreasonable delay.

*And be it further enacted* That the shares in the said turnpike road shall be taken, deemed and considered to be personal estate, and shall and may be transferable, and all such transfers shall and may be made and inserted in the books of the said president directors and company.

Transfer of stock.

*And be it further enacted* That the said corporation shall cause mile stones to be placed on one side of the said road in its whole extent, whereon shall be marked in legible characters, the respective number of miles from the place of commencing the said road, and also shall cause to be affixed up in a conspicuous place at each gate or turnpike a printed list of the rates of toll.

Mile-stones.

*And be it further enacted* That the said corporation shall cause to be kept a fair and just account of all monies received for toll on the said road, and shall make and declare a dividend of the clear profits and income (all contingent charges being first deducted) amongst all the stock-holders of the stock of the said corporation; and shall on

Dividends.

the second Tuesday in January and July in every year publish the half yearly dividend to be made of the said clear profits and the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

Accounts  
to be filed  
with comp-  
troller.

*And be it further enacted* That the said corporation shall within six months after the said road is completed, lodge in the office of the comptroller, an exact account of the expences thereof; and the said corporation shall annually exhibit to the comptroller a true account of the dividends made and arising from the said toll, with the annual disbursements on said road.

Dissolu-  
tion of  
corporation.

*And be it further enacted* That the comptroller shall and he is hereby required to report to the legislature whenever it shall appear from the accounts so to be exhibited to him, that the income arising from the said toll shall have fully compensated the said corporation for all monies they have expended in purchases, making, repairing, taking care of the said road and for all other expenditures thereon together with an interest of fourteen per cent by the year; and thereupon the said corporation shall be dissolved, and the interest and property of the said road shall be vested in the people of this State. *Provided* that if the said corporation shall not proceed to commence work on the said road within two years after passing this act, and shall not within five years thereafter compleat the said road according to the intent and meaning of this act, then and in either of these cases, this act shall cease, be void and of no effect.

## CHAP. 103.

AN ACT directing the commissioners of the land office respecting  
land warrants.

PASSED the 4th of April, 1800.

Sale of  
land war-  
rants.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That it shall and may be lawful for the commissioners of the land office from time to time, sell in such manner and in such terms as they shall judge most advantageous to the State, all such land warrants of the United States for bounty lands to soldiers as have been or hereafter may be assigned to the people of this State.

## CHAP. 104.

AN ACT confirming certain acts of Ebenezer Woods deputy sher-  
iff of Rockland county.

PASSED the 4th of April, 1800.

Preamble.

WHEREAS Ebenezer Wood deputy sheriff of Rockland county, continued to exercise his said office after the resignation of his principal, and before a successor had accepted and entered upon the said office whereby it has become necessary for the legislature to sanction his acts during the interval aforesaid. Therefore

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That all acts done by the said Ebenezer Wood as deputy sheriff during the period aforesaid, shall be as valid as if the same had been performed by a legal sheriff of the said county or by his lawful deputy. Acts legalized.

## CHAP. 105.

### AN ACT to incorporate the Mohawk Turnpike and Bridge Company.

PASSED the 4th of April, 1800.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That Benjamin Walker, Peter Smith, Gaylord Griswold, William Alexander, Charles Nukerk, John Beardsley, Jacob C. Cuyler, Abraham Oothout, James Murdock, Alexander Alexander, John C. Cuyler and all such persons as shall associate for the purpose of erecting a substantial bridge across the Mohawk river opposite the compact part of the city of Schenectady, and making a good and sufficient road from the said bridge, to or near the house of William Klyne in the town of Amsterdam, and from thence to Palatine bridge in the county of Montgomery thence through the village at the little falls to the court-house of the county of Herkimer, and from thence to the village of Utica in the county of Oneida, shall be and hereby are created and made a corporation and body politic in fact and in name, by the name of "The President, Directors, and Company of the Mohawk Turnpike and Bridge Company," and that by that name they shall be capable in law to purchase, have, hold, enjoy and retain to them and their respective successors, lands, tenements, hereditaments, goods, chattels and effects of every kind whatsoever, and the same or any part thereof, to sell, grant, demise, alien, or dispose of, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in courts of record, or any other place whatsoever: *Provided however* that the amount of the real estate which the said corporation are hereby authorized to purchase and hold, shall not exceed ten thousand dollars: *And provided further* that such estate, so to be purchased and held, shall be necessary to fulfil the end and intent of the corporation hereby created and made, and to no other use, intent, or purpose whatsoever. Mohawk Turnpike and Bridge Company incorporated.

*And be it further enacted* That Peter Smith, Gaylord Griswold, Charles Nukerk, Jacob C. Cuyler, James Murdock, John C. Cuyler be and they are hereby appointed commissioners to do and perform the several duties herein after mentioned, that is to say, they shall on or before the first Tuesday in May next, procure six books, and in each of them enter as follows: "We whose names are hereunto subscribed, do for ourselves and our legal representatives, promise to pay the president, directors and company of the Mohawk Turnpike and Bridge Company, the sum of fifty dollars, for every share of stock in the said company set opposite to our respective names, in such manner and proportion, and at such time and place, as shall be determined by the president, and directors of said company; one of which books shall be left with each of the said commissioners at their respective places of abode, who shall keep the same open for the purpose of receiving subscriptions; and every subscriber shall at the time of subscribing, pay Subscriptions to stock.

Election of  
directors.

unto either of the said commissioners, the sum of five dollars for each share so subscribed; and the said commissioners shall as soon as five hundred shares have been subscribed, cause an advertisement to be inserted in one of the public newspapers printed in the city of Albany, and in the newspapers printed at Johnstown and Utica, giving at least three weeks notice of the time and place, the said subscribers shall meet for the purpose of chusing thirteen directors who shall be stockholders, for the purpose of managing the concerns of the said company for one year; and the day of chusing the said directors, shall for ever thereafter be the anniversary day for chusing directors, and any seven of the said directors shall be a quorum, and capable of transacting the business of the said corporation, and every act of a majority of said directors so met shall be binding on the said corporation. And the said directors, elected by a plurality of the votes of the stockholders present, to be given upon the principles hereafter mentioned, shall immediately proceed to the choice of one of their number for president, and the said president and directors may meet from time to time, at such time and place as they may find expedient and direct, and shall have power to make such bye-laws, rules, orders, and regulations, not inconsistent with the Constitution or laws of this State, or of the United States, as shall be necessary for the well ordering the affairs of the said corporation. *Provided* that no person shall have more than twenty five votes, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share by him held, under the said number.

Voting by  
stock-  
holders.

Capital  
stock.

*And be it further enacted*, That the said president and directors may continue to receive subscriptions to the stock of the said corporation, until there shall be two thousand five hundred shares subscribed, and shall have power to appoint such agents, clerks, workmen, and others under them, as shall be necessary for executing the business of the said corporation.

Entry on  
lands;  
damages.

*And be it further enacted*, That the said corporation by the president and directors, or by any agent, superintendant, artist, or other person, employed in their service, may enter into any land where they shall deem it proper to construct the said road, and to lay out, and survey such routes or tracts, as shall be most practicable for effecting a good and sufficient road, between the places aforesaid. And the said president and directors may contract with the owners of the said land for the purchase of so much thereof, as shall be necessary for the purpose of making the said road, and for erecting and establishing gates, toll-houses, and all other works, to the said road belonging, and with their carriages, beasts, tools and implements, to enter in and upon any land contiguous to the said road, and to carry away any timber, stones, gravel, sand, or other earth, being more conveniently situated for making or repairing said road, and to use the same for carrying on said work, the said president and directors paying the owner or owners of the land so to be laid out as part of the road, the value of the land, or of the materials aforesaid, as the case may be, together with such reasonable sum for damages, including all damages that may be occasioned from time to time by the erection and continuance of the said bridge opposite to the said city of Schenectady, as may be agreed on; and in case of disagreement between the parties, as to the said value or damages; the same shall be determined by an appraisement to be made on oath of three, or if they disagree, of two indifferent freeholders, to be mutually chosen; or if the owners of the said land or materials refuse or neglect to join in the choice, to be appointed by

any justice of the peace of the county in which the lands or property shall be, who may be applied to by the said directors for that purpose; *provided* that the said justice shall not be interested in the said dispute.

*And be it further enacted*, That the said president and directors, shall cause the said road to be laid out, thirty feet wide, between the ditches, (when ditches shall be necessary) eighteen feet of which shall be bedded with wood, stone, gravel, or any other hard substance, compacted together, a sufficient depth to secure a solid foundation to the same; and the said road shall be faced with gravel or other hard substance, in such manner as to secure as near as the materials will admit, an even surface, rising towards the middle by a gradual arch; and they shall during the continuance of this act, maintain and keep the same in good repair; and every neglect to keep and preserve the same road in such repair, shall be taken, judged, and deemed a misdemeanor in the president and individual directors, for the time being, of the said company.

Manner of constructing road.

*And be it further enacted*, That all bridges, being on the said road, including the said bridges across the Mohawk river at Schenectady and Utica, shall be considered as part of the said road, and shall be maintained and kept in repair by the said president, directors, and company during the continuance of this act.

Bridges to be kept in repair.

*And be it further enacted*, That as soon as any part of the said road, not less than ten miles, in any place or part thereof shall be completed; it shall be lawful for the president, directors, and company, to give notice to the governor of this State, who shall thereupon forthwith nominate and appoint two or three judicious persons to view the same and report to him in writing, whether such part of the said road is completed in a workmanlike manner, according to the true intent and meaning of this act, and if the report shall be in the affirmative, then it shall be lawful for the governor, and it is hereby made his duty, by license under his hand and the privy seal of this State, to permit the said president and directors to erect and fix so many gates and turnpikes upon and across said road as will be necessary and sufficient to collect the duties and tolls, herein after granted to the said corporation, from all persons travelling on the same; *provided* that such gates and turnpikes, (except the turnpike on the bridge herein after mentioned) shall be erected at a distance, not less than ten miles from each other.

License by governor.

*And be it further enacted*, That as soon as the bridge at the city of Schenectady aforesaid, shall be completed and finished; it shall be lawful for the president directors and company to erect a turnpike upon and across the said bridge, and to ask, demand and receive from all and every person and persons who shall pass over the same, the like tolls and duties, as herein after granted to the said corporation, for every ten miles of said road: *Provided always* that the citizens of the said city of Schenectady shall be allowed to compound with the said president and directors, by the year for passing the said bridge.

Toll at bridge near Schenectady.

*And be it further enacted* That as soon as the whole or any part of the said road shall be completed, and permission to erect a gate or gates as aforesaid, be granted; the said president and directors, may appoint toll gatherers to collect and receive of and from all person or persons using the said road, and passing through any of the said gates, the tolls and duties hereinafter mentioned, and no more, that is to say, any number of miles, not less than ten in length of said road, the

Rates of toll.



following sums of money, and so in proportion for any greater or lesser distance or for any greater or lesser number of sheep, hogs or cattle, as follows, for every score of sheep or hogs, eight cents; for every score of cattle, horses, or mules, eighteen cents, and so in proportion for any greater or less number of sheep, hogs, cattle, horses, or mules; for every horse and rider, or led horse, five cents; for every sulkey, chair, or chaise, with one horse, twelve and an half cents; for every cart drawn by one horse, six cents; for every chariot, coach, coachee, or phaeton, twenty five cents; for every stage waggon or other four wheel carriage, drawn by two horses, mules, or oxen, twelve and an half cents; and three cents for every additional horse, mule, or ox; for every cart drawn by two oxen, six cents; and for every additional horse or ox, two cents; for every sleigh, or sled, six cents, if drawn by two horses or oxen, and in like proportion if drawn by a greater or lesser number of horses or oxen; and it shall be lawful for any of the toll-gatherers, to stop any person riding, leading or driving any horse, cattle, sheep, or hogs, sulkey, phaeton, chair, chaise, cart, waggon, sleigh, or other carriage of burthen or pleasure, from passing through the gates or turnpikes, until they shall have respectively paid the toll as above specified: *Provided* that nothing in this act shall be construed so as to entitle the said corporation to demand or receive toll of or from any person passing to or from public worship, or to or from his common business on his farm, or to or from any mill: *And provided further*, That it shall not be lawful for the president and directors aforesaid, to demand or receive any toll of or from any person or persons travelling in sleighs or sleds, in or upon said road and passing or re-passing through all or any or either of the said gates or turnpikes between the first day January and the first day of March in each and every year.

Exemptions from toll.

Mile-stones; guide posts

*And be it further enacted* That the said corporation, shall cause mile stones to be erected or placed, one for each and every mile of the said road on which they shall be permitted to place gates or turnpikes, and on each stone placed as aforesaid, shall be fairly and legibly marked the distance the said stone is from the city of Schenectady, and shall also erect guide-posts at the intersection of all roads leading into and from the said turnpike, and to which posts, boards shall be attached, on which shall be inscribed the name of the town in which the posts stand and the name of the town or towns to which the said road leads, in the direction to which the hand board points: And the said corporation shall also cause to be affixed to each gate or turnpike, a printed list of the rates of toll which may be lawfully demanded.

Penalty for injuring gates or posts; evading toll.

*And be it further enacted* That if any person or persons shall break or throw down, or deface any of the mile-stones, guide-posts, or boards, so erected, or shall cut, break down, or destroy any of the gates or turnpikes which shall be erected in pursuance of this act, or shall forcibly pass the same without having paid the legal toll, at such gate or turnpike, such person or persons shall forfeit and pay a fine not exceeding ten dollars, nor less than one dollar, to be recovered by the treasurer of the corporation, to their use, in an action of trespass: And if any person shall with his team, carriage or horse, turn out of said road to pass the said gates, on ground adjacent thereto, and again enter on the said road, with intent to avoid the toll due by virtue of this act, such person shall forfeit and pay treble the legal toll for any such person in passing through said gate, to be recovered by the treasurer of the said corporation for the use thereof in an action of debt.

*And be it further enacted,* That if any toll-gatherer shall unreasonably delay or hinder any traveller or passenger at any of the gates, or shall demand or receive more toll than is by this act established, he shall for every such offence forfeit and pay the sum of two dollars, to be prosecuted for and recovered before any justice of the peace in the county where such offence shall be committed, for the sole use of the person so unreasonably hindered or attempted to be defrauded. Unreasonable delay.

*And be it further enacted,* That the shares in the said turnpike and bridge company, shall be taken, deemed and considered to be personal estate, and shall and may be transferable, and the transfers of the said shares shall be made and entered on the books of the said president, directors and company. Transfer of stock

*And be it further enacted,* That the president and directors of the said corporation shall keep a just and fair account of all monies received by the several collectors of toll on said road, and shall make and declare a dividend of the clear profits and income, (all contingent costs and charges being first deducted) among all the stockholders of the said corporation, and shall publish half yearly, the dividend to be made of the said clear profits among the stockholders, and of the times and places when and where the same will be paid, and shall cause the same to be paid accordingly. Dividends.

*And be it further enacted,* That the said president and directors shall within six months after said road and bridge shall be completed, lodge in the comptrollers office of this State, an account of the expences thereof; and the corporation shall annually exhibit to the comptroller, a true account or dividend of all the income arising from said toll with the annual disbursements on said road and bridge. Accounts to be filed with comptroller.

*And be it further enacted,* That the legislature may dissolve the said corporation, whenever the income arising from said toll shall have fully compensated the said corporation for all monies they may have expended in purchasing, making, repairing and taking care of said road and bridge, together with an interest thereon of fourteen per centum per annum, and thereupon the right, interest, and property of said road and bridge shall be vested in the people of this State, and be and remain at their disposal, *provided* that if the said corporation shall not commence their operations on the said road and bridge within two years after the passing of this act, or shall not in six years afterwards, complete the said road, according to the true intent and meaning of this act, then and in either of these cases, this act shall cease be void and of no effect. Dissolution of corporation.

*And be it further enacted,* That in case the inhabitants residing upon or contiguous to the great road leading from the village of Utica aforesaid to the town of Rome in said county of Oneida, shall become stockholders in said company to a sufficient amount to improve the said road as prescribed by this act; it shall and may be lawful for the said directors, should they deem proper, to extend the road, contemplated to be improved by this act from the said village of Utica to the dwelling house, of Daniel C. White, in Whitestown, and from thence to the house of Stephen White, in Rome, or such part of the said distance, as they may deem proper; and in case of such extension as aforesaid, the same line of road shall be improved and completed in the same manner in all respects, as the same line of road from Schenectady to Utica, is by this act directed to be improved and completed; and the tolls on the said road so extended shall be at the same rate in proportion to the distance, and collected in like manner as the tolls are herein before directed to be collected and paid on the said line of road from Schenectady to Utica. Construction of road to Rome.

## CHAP. 106.

AN ACT for the relief of William Feagan & Christian Hartdwick.

PASSED the 4th of April, 1800.

Grant of  
lands to  
persons  
named.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That it shall and may be lawful for the commissioners of the land office and they are hereby required to grant letters patent to William Feagan and Christian Hartdwick respectively for the like quantity of unappropriated land in the tract set apart for the use of the line of this State serving in the army of the United States, and in the same manner as has been granted to non commissioned officers and privates serving in the line of this State in the said army of the United States.

## CHAP. 107.

AN ACT relative to the collectors of taxes.

PASSED the 4th of April, 1800.

Discontinu-  
ance of  
proceed-  
ings  
against  
Jonathan  
Parkhurst.

*Be it enacted, by the People of the State of New York, represented in Senate and Assembly;* That it shall and may be lawful for the treasurer of the county of Oneida, and he is hereby required, upon Jonathan Parkhurst (the collector of the town of Mexico, in said county,) executing and returning his warrants, for the collection of the taxes of the said town, and paying over the monies collected by virtue thereof, on or before the first day of May next, to discontinue all further proceedings, against the said Jonathan Parkhurst, for neglect in executing the said warrants; and the said treasurer, shall thereupon without delay make return in the premises to the comptroller of this State.

Allowance  
for costs  
and losses.

*And be it further enacted;* That the comptroller shall make such further allowance to the said Jonathan Parkhurst, in addition to his fees for executing the said warrants, as on account of the peculiar situation of the said town, and the enhanced trouble in collecting the taxes therein, with the losses sustained by him, the said Jonathan, by reason of the issuing of process against him, by the said treasurer, may be just, and reasonable, not exceeding sixty dollars; for which allowance the said comptroller shall draw his warrant, in favour of the said Jonathan, upon the treasurer of this State.

Time for  
return of  
warrants  
extended.

*And be it further enacted;* That that the respective treasurers in the counties of this State, shall be, and are hereby authorized, upon any collector of taxes, in any county, (against whom process for neglect in executing his warrants, may have issued,) executing, and returning such warrant, on or before the first day of May next, to discontinue such process upon the payment of the costs thereof by any such collector; and any such treasurer shall thereupon without delay, make return in the premises to the comptroller of this State.

Time al-  
lowed in

*And be it further enacted* That every collector in the city of New York shall be allowed twelve weeks after receiving an assessment roll

of the State tax and warrant from the commissioners to collect the monies therein mentioned and pay the amount thereof to the treasurer or chamberlain of the said city, any law to the contrary notwithstanding. New York city.

## CHAP. 108.

**AN ACT** to authorize the raising a sum of money to build a gaol in the county of Oneida.

PASSED the 7th of April, 1800.

WHEREAS the supervisors of the county of Oneida by their petition have requested that the sum of three thousand dollars should be raised on the freeholders and inhabitants of the said county for building a gaol within the same, therefore, Preamble.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the supervisors of the county of Oneida at their meeting in May next be and they are hereby authorised and required to direct the sum of three thousand dollars and the charges for laying and collecting the same, to be assessed, levied and collected on the freeholders and inhabitants of the said county in the manner directed by the act for the assessment and collection of taxes" passed the first day of April one thousand seven hundred and ninety nine for the purpose of building a gaol in the said county, and the said supervisors are hereby authorised and required at the said meeting to appoint three commissioners who or any two of them or in case of death the survivors or survivor of them shall cause the said gaol to be built and superintend the erection thereof. Tax levy for jail.

*And be it further enacted,* That the treasurer of the said county shall pay over the money so to be collected, as the same shall come into his hands, to the commissioners so to be appointed, or to some or one of them and the commissioners or commissioner who shall superintend the building the said gaol, shall account with the board of supervisors for the expenditure of the said money when thereunto required. How applied.

*And be it further enacted,* That the said gaol when compleated, shall be the gaol of the said county and that as soon as the sheriff of the said county shall deem the gaol sufficiently finished for the safe keeping of the prisoners it shall be lawful for the said sheriff and he is hereby required to remove them to the said gaol, and such removal shall in no manner be construed an escape. Removal of prisoners.

*And be it further enacted,* That the court of common pleas of the said county shall be, and they are hereby authorised at any time before the completion of the said gaol, to appoint the liberties thereof according to the directions of the act entitled "An act regulating the liberties of gaols." Jail liberties.

## CHAP. 109.

### AN ACT to authorise the building of toll bridges over Hudsons river.

PASSED the 7th of April, 1800.

#### Preamble.

WHEREAS Warren Ferriss and others by their petition to the legislature, have prayed leave for the said Warren Ferriss to build a toll bridge over Hudsons river, at Glen's Falls; and whereas such and other bridges over the said river between the counties of Washington Saratoga, will be of great public utility, Therefore,

#### Construction of certain toll bridges authorized.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That it shall be lawful for the said Warrin Ferriss his executors, administrators or assigns to build a toll bridge over the said Hudsons river at Glens Falls; and that it shall and may, be lawful for Charles Baker, Caleb Baker, Lazel Bancroft and Thomas Rogers jointly, and their executors, administrators and assigns to build a toll bridge over Hudsons river at Baker's Falls, near Sandy Hill; and that it shall be lawful for Archibald McNeil, Peter Demount, Richard Davis, John Carpenter, Ezekiel Ensign, Noah Pain Junior, Gerrit Peebles and Solomon Smith jointly, and their executors, administrators and assigns to build a toll bridge over Hudsons river, at any place between the ferry commonly called McNeal's Ferry, and the falls at Fort Miller; *provided always* that the several bridges shall not be less than sixteen feet wide, with a strong railing, on each side thereof; and shall be built in so substantial and workmanlike a manner as that laden carriages may safely travel thereover, and the said bridge shall be compleated on or before the first day of January one thousand eight hundred and two; and if not so and then compleated, the liberty hereby given to the person or persons authorised to build such bridges shall cease and determine.

#### Examination by superintendents of highways.

*And be it further enacted* That it shall be the duty of the person and persons authorised to build the said bridges respectively as soon as the same shall be severally compleated, to give notice thereof to the superintendents of the highways for the counties of Washington and Saratoga, and it is hereby required of and enjoined on the said superintendents within fifteen days after such notice, to meet at the bridge of which such notice of its completion shall have been given, and to examine the same; and if they, or a majority of such of them as shall meet shall deem the same to be properly constructed and compleated in manner aforesaid, then they, or such majority, shall subscribe a certificate thereof and deliver the same to the person or persons authorised to build such bridge.

#### Toll at Glens Falls bridge.

*And be it further enacted* That it shall and may be lawful for the said Warren Ferriss his executors, administrators and assigns, from and after the receipt of such certificate as aforesaid to construct and erect a gate or turnpike at either end of such bridge and adjacent thereto to erect a toll house, and shall from thenceforth and for and during the term of twenty one years, to be computed from the first day of January last past, be and they are hereby authorised to take toll from every person, crossing the said bridge, at the following rates and no more, to wit, for a person and horse eight cents, for every head of neat cattle two cents, for every horse, or mare and colt two cents, for sheep and hogs at and after the rate of ten cents per score, for

every carriage drawn by one horse nine cents, for every carriage drawn by two horses or cattle ten cents, and every additional horse or ox three cents.

*And be it further enacted* That it shall and may be lawful for the said Charles Baker, Caleb Baker, Lazel Bancroft and Thomas Rogers and their executors, administrators and assigns, from and after the receipt of such certificate as aforesaid to construct and erect a gate or turnpike at either end of the bridge to be by them built as aforesaid, and adjacent thereto to erect a toll house, and shall thenceforth, and for and during the term of twenty one years, to be computed from the first day of January last past, be and they, their executors, administrators and assigns are, hereby authorised to take toll from every person crossing the said bridge, at the following rates and no more, to wit, for a person and horse nine cents, for every head of neat cattle three cents, for every horse or mare and colt four cents, for sheep and hogs at and after the rate of twelve cents and an half per score, for every carriage drawn by one horse ten cents, for every carriage drawn by two horses or cattle twelve and an half cents, for every additional horse or ox three cents.

Toll at  
Baker's  
Falls  
bridge.

*And be it further enacted* That it shall and may be lawful for the said Archibald McNeal, Peter Demunt Richard Davis, John Carpenter, Ezekiel Ensign, Noah Paine Junior, Gerrit Peebles and Solomon Smith, their executors, administrators and assigns, from and after the receipt of such certificate as aforesaid, to construct and erect a gate or turnpike, at either end of the bridge to be by them built as aforesaid, and adjacent thereto to erect a toll-house, and shall thenceforth and for and during the term of twenty one years, to be computed from the first day of January last past, be, and they their executors, administrators and assigns, are hereby authorised to take and collect the like toll as by this act is permitted to be taken at the bridge to be constructed at Bakers' Falls near Sandy Hill —

Toll at  
Fort Miller  
Falls  
bridge.

*And be it further enacted* That if at any time during the term aforesaid, either of the said bridges shall be carried away, in whole or in part, by floods or otherwise, or shall become so out of repair, as in the opinion of a majority of the superintendants of the highways for either of the counties of Washington or Saratoga, passing thereon with carriages shall be unsafe, then and in every such case, the person or persons entitled to take toll at such bridge, shall rebuild or repair the same within twelve months, from the time when the same was carried away, or deemed by the superintendants aforesaid to require repairs; and in default of such rebuilding or repairing within the time last aforesaid, the remains of such unrepaired bridge with the gate, turnpike and toll-house, shall revert to the people of this State; anything in this act to the contrary hereof notwithstanding —

When  
bridge  
carried  
away or  
out of re-  
pair.

*And be it further enacted* That at the expiration of the said term of twenty one years, each and every of the said bridges, with the gates, turnpikes and toll-houses shall revert and vest in the people of this State and without any compensation to the builders thereof, or to their executors, administrators or assigns.

Reversion  
after  
twenty-  
one years.

## CHAP. 110.

AN ACT for settling the disputes and controversies between the persons claiming to be proprietors of a patent called Mawighnunk and the possessors of the lands in the town of Canaan.

PASSED the 7th of April, 1800.

**Preamble.** WHEREAS divers disputes and controversies have subsisted between the persons claiming a tract of land granted by patent to Stephen Bayard, Cornelius Van Schaaick, John Baptiste Van Rensselaer, Johannes Van Duesen, Barent Vosburgh and Jacobus Van Rensselaer, dated the fourth day of August 1743 commonly called and known by the name of the Mawighnunk patent of the one part and Elisha Gilbert, Eleazer Grant, John Darling, Moses Younglove, John King, Moses King, Elisha Gilbert Junior, Zenos Barker, Reuben King, Joseph Davis, Stephen Preston, Isaac Seward, Benjamin Clark, Ezra Gates, Usel King Junior, Elijah Gilbert, Josiah Patterson Junior, Caleb Jessup, Edmund Beach, Josiah Patterson, Thode Norton, Benjamin Abbott, Asa Hubbard, David W. Patterson, Samuel Hand, John Tryon, Ephraim Patterson, Abram Seward, Joseph Cornwell, Peter Plumb, Samuel F. Jones, Job Winslow, Moses Allen, Jonathan Wheeler, Oliver Gates, Elisha Plumb, William Hunt, Daniel Sage, Buel Sacket, William Remington, Thomas Ayres, Peleg Spencer, Nathan Hand, Eleazer Wells, John Tilden Jacob Kemp, Nathaniel Rawson, Aaron Baldwin, Elijah Wilde, Amaziah Griswold, Ammi Doubleday, Silas Churchill, David Wells, Thody Abbot, Daniel Abbot and Samuel Jones, who are in possession of land in the town of Canaan in the county of Columbia of the other part, relative to the right and title to the said lands so possessed, and which are claimed by the said parties of the first part by virtue of said patent, except the one sixth part of said patent granted to the said Stephen Bayard, forfeited by the attainder and conviction of Robert Bayard and William Bayard, and excepting also the one sixtieth part thereof forfeited by the attainder and conviction of Isaac Van Derpool, which said forfeited shares or most thereof have been purchased of the people of this State by the said parties of the second part or some of them: *And whereas* the said disputes and controversies cannot be finally determined without a number of law suits attended with delay and expence to the parties: *And whereas* divers of the claimants under the said patent are infants, and others under coverture, by means whereof it is very difficult if not impracticable to have a determination of the disputes and controversies conclusive and binding upon all the parties interested without the aid of the legislature: *And whereas* the agents and attorneys of the said parties have agreed to unite in an application to the legislature for an act appointing commissioners finally to determine the right and title of the said parties, to the said land, possessed by the said parties of the second part in the said town of Canaan, and claimed by the said parties of the first part, and all disputes and controversies relative to the same, and that Jesse Root Esquire of Hartford, Jonathan Sturges Esquire of Fairfield, Tappan Reeves Esquire of Litchfield, Hosea Moffit Esquire of Stephens-town and Jacob Ford Esquire of Hillsdale be the commissioners for that purpose: *And whereas* the said agents have made such joint application, by petition to the legislature, the prayer of which it appears reasonable to grant; Therefore,

*Be it enacted by the People of the State of New-York represented in Senate and Assembly,* That the said Jesse Root, Jonathan Sturges, Tappen Reeves, Hosea Moffit and Jacob Ford, shall be and hereby are appointed commissioners to settle the said disputes and controversies.

Commissioners named.

*And be it further enacted,* That it shall and may be lawful for the said commissioners to hear and examine all disputes and controversies between the said parties respecting the title to the said lands and all claims made to the same or any part thereof by the said parties or any or either of them and finally to determine such disputes controversies and claims according to law and equity, which determination shall be absolutely binding and conclusive and shall to all intents constructions and purposes whatsoever absolutely vest the right, title and interest of every part of the said lands in such person or persons and for such estate or estates and in such way and manner as shall be named and specified in such determination.

*And whereas* the said possessors wish to avail themselves of a forfeiture said to have been made of the said patent, and they have by their agents suggested doubts whether the said commissioners would have power under the general authority hereby given them to enquire as to such forfeiture previous to an inquest found in the name of the people of this State and a repeal and avoidance of said patent there upon, to obviate such doubts, Therefore,

Duty of commissioners.

*Be it further enacted,* That on the hearing before the said commissioners, the said possessors shall be at liberty to urge that the said patent has been forfeited by occasion of the nonperformance of the provisos and conditions contained therein, or some of them, and if it shall appear to the said commissioners that the said provisos and conditions or any of them have not in fact been complied with, according to the true intent and meaning thereof, and if it shall also appear that an inquest might by law be found in the name of the people of this State on account of such nonperformance, and that under the existing circumstances of the case judgment of forfeiture ought by law to be rendered thereupon, so that the patent ought to be repealed and void, then the said commissioners shall and may determine upon the whole matter as between the parties in like manner as if such fact as aforesaid had been found by inquest made on this day, and as if such judgment was rendered as aforesaid and said patent repealed.

Determination as to forfeiture of rights of patentees.

*And be it further enacted,* That the said commissioners or one or more of them shall be and hereby are authorised to summon and order any person or persons within this State to appear before the said commissioners, to be examined and give evidence touching the matters in controversy and also to bring with them all such deeds, books, papers, records or other written evidence as may be required in an ordinary course of law by subpoena duces tecum: And that if any person summoned by writing subscribed by the said commissioners or any or either of them, to appear and testify, or to produce any written evidence, and having reasonable time allowed him for that purpose, and being paid or having tendered to him a reasonable compensation for his expences of attendance and for his loss of time, shall neglect refuse or delay to give such attendance or to bring such written evidence as aforesaid, such person shall forfeit for every such refusal, neglect or delay, the sum of two hundred and fifty dollars to be recovered in any court of record having cognizance thereof by action of debt by and in the name of the person at whose instance he was summoned.

Examination of witnesses.

*And be it further enacted,* That the said commissioners shall have power to administer an oath or affirmation to the witnesses to be ex-

Oath; perjury.



amined before them to declare the truth touching the matters in question; and if any person so to be examined shall knowingly give false evidence on such examination and shall thereof be convicted, such witness shall for such offence suffer the pains and penalties inflicted by law for wilful and corrupt perjury. *Provided* that no person shall be compelled to give any evidence other than such as he would be bound to give upon a trial at common law.

Examina-  
tion of  
parties.

*And be it further enacted*, That the said commissioners at the instance and request of any one of the said parties, may proceed to examine any other of the said parties on oath as to the matters in dispute or controversy but that the person so to be examined shall be bound to answer such questions only as could or ought to have been put to him in a course of equity, if a bill had been filed by the person or persons requiring such examination, and that every person who shall be requested by the said commissioners to submit to such examination and who shall neglect or refuse so to do, or who shall on such examination answer falsely and corruptly shall be liable to the pains and penalties as is herein before provided in the case of witnesses.

Appraisal  
in case  
lands held  
to be part  
Mawigh-  
nunk  
patent.

*And be it further enacted*, That if the said commissioners shall determine the said lands or any part thereof to be within the bounds of the patent of Mawighnunk aforesaid and the title of the same to be in the persons claiming under the said patent, then the said commissioners shall view the lands or so much thereof as they shall determine to be within the bounds of the said patent and to belong to the proprietors thereof, and shall cause a survey to be made of the same and of the parcels claimed by every person whose possessions shall fall within such determination; and also that the said commissioners after such view and survey and after taking all relative circumstances into consideration, and after hearing the proofs and allegations of the parties, if any be offered, shall award and determine what shall be paid by the possessor to the proprietors for the same: *Provided always and it is further enacted* that the said commissioners shall estimate the value of the said lands so found to be in possession of the possessor as aforesaid and included within the true bounds of the said patent, and shall also estimate the average price per acre of the lands of the possessors in general, and that out of the sum with which they shall find the possessor chargeable, they shall deduct the value of the number of acres, at the said average price, which he or she may hold of the forfeited shares above mentioned and the balance so remaining shall be the true sum to be paid by the possessor to the proprietors.

Payment  
of ap-  
praised  
value.

*And be it further enacted*, That the monies so awarded shall be paid with the interest in six equal installments yearly from the time of the said award to such of the proprietors of the said patent as shall be nominated by the said commissioners to receive the same, and that upon the payment of the amount of the monies, payable by the possessor to the proprietors, the possessor shall hold and be seized, and be deemed to hold and be seized of an estate in fee simple in the said land so possessed by him as aforesaid, and the right and title of all persons claiming under the said patent to be extinguished: but if it shall so happen that the said monies shall remain due and unpaid in whole or in part at the end of six years from the time of the award, then the proprietor or proprietors or his or their agent may proceed to a sale of the land of the delinquent possessor, or any part thereof at publick auction in the manner and after the notice usual in cases of mortgages with clause for sale, and such sale shall be a bar both in law and equity to the possessor and all who shall claim by from or under

him or them: *Provided nevertheless* that if in any such sale more money shall be made than is sufficient to satisfy the sum due with reasonable costs, the sum so remaining shall be paid to the possessor or delinquent.

*And be it further enacted*, That the said commissioners shall audit all accounts and expences and costs and charges which shall arise for or by reason of any matter or thing respecting the trust or power herein before specified, one moiety whereof shall be borne and paid by the proprietors and the other by the possessors, and shall adjudge and determine the particular sum with which each possessor shall be chargeable, of which they shall give a certificate under their hands and seals, and the same adjudication and certificate shall be final and conclusive and create the same a lien on the property of the person named therein as a judgment at law and that if payment of the sum so assessed shall not be made within thirty days after the adjudication made and certificate given, it shall and may be lawful for the said commissioners by writing under their hands and seals to direct the sheriff of any county in this State to cause the sum assessed with the costs of collection to be made of the goods and chattels lands and tenements of the person liable to the same payment, which money shall when collected be paid to the said commissioners or any or either of them, and if any money shall remain after settling the sum to be made with the costs of collections, such surplus shall be paid to the party on demand.

Expenses  
of deter-  
mination.

*And be it further enacted* That all determinations to be made by virtue of this act, shall be made within one year from the passing thereof, and that the commissioners shall from time to time enter their determinations in a book to be kept by them for that purpose and after signing and sealing the same such book shall be lodged in the office of the secretary of this State, there to remain of record.

Time al-  
lowed;  
record of  
determina-  
tion.

*And be it further enacted*, That all and singular the trusts powers and authorities hereby granted to the said commissioners shall and may be executed by the major part or the survivors, or the major part of the survivors.

Survivors  
may act.

*And be it further enacted*, That nothing in this act shall be construed or taken so as to prevent any agreement concerning the matters in dispute between the proprietors of the said patent or their agents on the one part, and the said possessors or any or either of them or their agents on the other part, but that all agreements so to be made shall be valid and conclude as well the parties to such agreements as all persons who may hereafter claim by from or under the said patent or by from or under the said parties or any or either of them, notwithstanding their infancy or coverture or the infancy or coverture of any or either of them.

Act not to  
affect  
private  
settlement  
of contro-  
versy.

## CHAP. 111.

AN ACT relating to the commissioners of taxes in the county of Tioga.

PASSED the 7th of April, 1800.

*Be it enacted by the People of the State of New York represented in Senate and Assembly*, That from and after the passing of this act, it shall be the duty of the commissioners of taxes for the county of Tioga

Where  
meetings  
to be held.

for the time being, to hold their respective meetings yearly on the third Tuesday in July and October in every year at the village of Oswego in the town of Tioga at the house of Luke Bates, any law to the contrary notwithstanding—

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## CHAP. 112.

### AN ACT to relative to Oxford Academy.

PASSED the 7th of April, 1800.

**Preamble.** WHEREAS by the report of the regents of the university of this State it appears that Oxford Academy has been accidentally consumed by fire, and that in their opinion legislative aid would be proper for the purpose of rebuilding the said academy. Therefore

**Grant of lands to Oxford Academy.** *Be it enacted by the People of the State of New York represented in Senate and Assembly* That it shall be lawful for the trustees of said academy on or before the first day of November next to make their election by writing under their hands and seals of one of the lots reserved for promoting literature in this State, and to file such election in the office of the secretary of this State; and it shall be the duty of the commissioners of the land office thereupon to direct letters patent to be prepared and granted to the said trustees and their successors for the lot of land so to be elected, *provided however* that such lot shall not be otherwise specially appropriated, and that the monies to be derived from the sale thereof, in case the same shall be sold, shall be disposed of for the benefit of the said academy;

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## CHAP. 113.

### AN ACT further to amend an act entitled "An act to regulate buildings in certain limits of the city of Albany."

PASSED the 7th of April, 1800.

**Frame dwellings allowed of certain dimensions.** *Be it enacted by the People of the State of New York represented in Senate and Assembly,* That it shall and may be lawful to build and erect dwelling houses, constructed either in the whole, or in part of wood, in any part of the city of Albany, if the same shall not exceed the following dimensions, that is to say, thirty feet in depth from the range of the street on which such dwelling house shall adjoin; twenty feet in height from the surface of the stone wall which encloses the cellar, which stone wall shall not exceed two feet above the surface of the street adjoining the said dwelling house, to the upper part of the wall plate thereof, and the roof whereof shall not be of an elevation exceeding five inches on every foot measured horizontally between the exterior point of the rafters thereof.

**Act not to extend except to sections of city specified.** *And be it further enacted* That the act entitled "An act to regulate buildings within certain limits in the city of Albany" and the act entitled "An act to amend an act entitled an act to regulate buildings within certain limits of the city of Albany" shall not be construed to extend to such parts of the said city as are not comprehended within

the following limits, to wit, beginning at the east end of Kilby lane, and running thence through the middle of said lane to Cow lane, thence through the middle of Cow lane to Hudson street, thence along the south side of Hudson street to the west side of Washington street, thence along the west side of the last mentioned street to Nail street, thence through Nail street to the west side of Lodge street, then along the west side of Lodge street, to Oak street, then along the south side of Oak street to the west side of Pearl street, and then along the west side of Pearl street to the north bounds of the city, then along the said north bounds to Hudson river, then down the said river, to a point opposite to the east end of Kilby lane, and from thence to the place of beginning, any thing in the above recited acts to the contrary notwithstanding.

*And be it further enacted* That it shall be lawful to build and erect stables and other out houses in any part of the said city. *Provided* that such stables shall not exceed eleven feet in height from the common surface of the earth to the top of the plates, and fourteen feet in the square; *and provided further* that the said out houses shall not exceed eight feet in height from the common surface of the earth to the top of the plates, and eight feet in the square. Stables and out houses.

## CHAP. 114.

AN ACT for raising a sum of money for building a gaol in the county of Ontario.

PASSED the 7th of April, 1800.

**WHEREAS** the supervisors of the county of Ontario have petitioned the legislature for a further sum of money to complete the building of a gaol in the said county Preamble. Therefore

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That it shall and may be lawful to and for the supervisors of the county of Ontario, to raise by tax in the said county, the sum of three thousand dollars to complete the building of a gaol in the said county, which said sum of money shall be raised levied and collected in the same manner as the other necessary and contingent charges of the said county are levied and collected. Tax levy for jail.

*And be it further enacted* That if there shall be in the treasury of the said county, any unappropriated monies arising from former taxes on the same, that it shall and may be lawful to and for the said supervisors, to lay out and expend the said monies in building the said gaol, and that the residue of the said three thousand dollars only be raised by the tax aforesaid. Moneys in county treasury.

## CHAP. 115.

AN ACT for the relief of the Oneida, Stockbridge, Brothertown and Shinnecock Indians.

PASSED the 7th of April, 1800.

**WHEREAS** the Oneida and Stockbridge Indians, and a number of the white inhabitants of the county of Oneida, by their petitions pre- Preamble.

sented to the legislature have prayed, for an effectual prohibition by law, to the evil practice of selling strong or spirituous liquor to Indians, which is destructive to the health morals and civilization of other Indian tribes as well as their own. Therefore

Penalty for  
selling  
liquors to  
Indians in  
Oneida and  
Chenango  
counties.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That if any person or persons whomsoever, after the first day of July next, shall sell to any Indian belonging to the Oneida, Stockbridge or Brothertown tribe, any rum, brandy, gin or other ardent spirits within the counties of Oneida and Chenango, shall forfeit the sum of five dollars, to be recovered in an action of debt with costs of suit in any court having cognizance of the same, the one half of which forfeiture when recovered shall be paid to the prosecutor, and the other half to the overseers of the poor of the town where such recovery may be had, for the use of the poor of such town—

Sales to  
Oneida  
Indians.

*And be it further enacted,* That the selling or procuring of any rum brandy gin, or other ardent spirits to or for any Indian belonging to the said tribes for and on behalf of the Oneida tribe of Indians or supplying them therewith, shall, after the said first day of July be deemed an offence against the people of this State, and the person so offending shall be indicted by the grand jury and fined at the discretion of the court not exceeding twenty dollars for any one offence. *Provided* that such recovery as aforesaid for the said penalty against any person shall bar any further proceedings for the same offence.

Pawns may  
be re-  
covered.

*And be it further enacted,* That no pawn taken of any Indian for any spirituous liquor shall be retained by the person to whom such pawn shall be delivered, but the things so pawned may be sued for and recovered with costs of suit by the Indian who may have deposited the same, before any court having cognizance of the same, with costs to the plaintiff thereupon to be adjudged.

Sales to  
Stock-  
bridge  
Indians.

*And be it further enacted* That no person shall sell any rum, brandy, gin, or other ardent spirits within the limits of the tract of land owned by the Misheconnuck or Stockbridge Indians, or within the reservation lands of the Oneida or Brothertown tribe of Indians within this State under a penalty of twenty dollars to be recovered in manner aforesaid, the one half of which forfeiture when recovered shall be paid to the prosecutor, and the other half to the assistant attorney general of the district in which the said tribes of Indians reside, to be by him paid into the treasury of this State, for the use of the tribe of Indians where such offence shall happen.

Attorney  
for Stock-  
bridge  
Indians.

*And be it further enacted* That it shall be the duty of the assistant attorney general of the district in which the Stockbridge tribe of Indians reside to do and perform every duty matter and thing, for and on behalf of the said Stockbridge tribe of Indians which by the act entitled "An act relative to the Oneida Indians" passed the fifteenth day of March one thousand seven hundred and ninety nine he is directed and required to do and perform for and on behalf of the said tribe of Indians.

Act to be  
read at  
opening of  
courts.

*And be it further enacted,* That it shall be the duty of the clerks of the several courts of general sessions of the peace in the respective counties in which any of the said tribe of Indians reside, for three successive terms immediately after the opening of their respective courts of general sessions of the peace, to read this act with an audible voice.

Cutting of  
timber on  
lands of

*And be it further enacted* That it shall and may be lawful for the trustees of the Shinnecock tribe of Indians in Suffolk county, by and

with the consent of the three justices of the peace mentioned in the act entitled "An act for the benefit of the Shinnecock tribe of Indians residing in Suffolk county" from time to time to order and direct on what part of the land belonging to said Shinnecock tribe, fire wood or timber may be cut by them for their own use. And if any person belonging to the said tribe without such order and consent of the said trustees and justices shall cut any wood or timber, such person shall forfeit and pay the sum of ten dollars for each offence to the said justices, to be sued for and recovered by them with costs of suit for the use of the said Shinnecock tribe.

Shinne-  
cock  
Indians.

## CHAP. 116.

### AN ACT for the relief of Solomon Simson and Henry Remsen.

PASSED the 7th of April, 1800.

WHEREAS Solomon Simson, and Henry Remsen have by their petition represented to the legislature that they have a claim to all the mines and minerals in the former manor of Philipsburgh (iron ore excepted) derived under a lease to Richard Maitland Thomas James William Sheriff Charles McEvers Sampson Simpson and Henry Remsen for twenty one years and renewable from Frederick Philipse who had obtained a patent for the same for the term of ninety nine years from the King of Great Britain *and whereas* by the attainder of the said Frederick Philipse his interest in such mines and minerals as were so granted to him became forfeited to the people of this State; and the said petitioners have prayed for the reasons set forth in their said petition that the legislature would grant to them the right of working the said mines, and it being equitable to grant the prayer of the said petition under the restrictions herein mentioned. Therefore

Preamble.

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That the said Solomon Simson and Henry Remsen or their legal representatives shall and may have hold and enjoy to their use, and as trustees for such other persons citizens of the United States and either original lessors named in the said lease or their legal representatives according to what would have been the several shares or interests of such other persons respectively therein if the said lease had been still subsisting who shall on or before the first day of January next if of full age by themselves or attorneys or if under age by their guardians by writing to be delivered to the said Solomon Simson and Henry Remsen the said petitioners or one of them declare their acceptance of the trust hereby created for them, all mines and minerals (iron ores excepted) that have been or may be discovered in that part of the county of Westchester formerly denominated the Manor of Philipsburgh for and during the term of seventy years and work and continue in the possession thereof for the said term upon condition that they shall annually pay into the treasury of the State one twentieth dish or part of the net proceeds of the said mines or minerals. *Provided* that if they do not render to the comptroller annually an account on oath of the net proceeds of all the profits and do deliver the said twentieth part thereof to the treasurer of this State, then this act shall determine and be thenceforth null and void. *And pro-*

Rights of  
parties  
named to  
mines and  
minerals  
confirmed.

*vided further* that the said Solomon Simson and Henry Remsen the said petitioners shall on or before the first day of June next cause this act to be published in two of the newspapers of the city of New York and the publication to be continued for six weeks successively thereafter. *Provided always*, that nothing in this act contained shall be construed to give a right to dig or break up the soil or ground of any person or persons, bodies corporate or politic, or of the people of this State or to work any mine or to erect any works or mills in the same unless the consent of the owner, or owners of such soil or ground, is for that purpose previously obtained.

## CHAP. 117.

AN ACT appointing trustees of the estate of Peter R. Kissam late of the city of New York, deceased.

PASSED the 8th of April, 1800.

Preamble.

**WHEREAS** Deborah Kissam of the city of New York widow and relict of Peter R. Kissam of the same place merchant deceased Richard S. Kissam of the same place physician and Samuel Kissam of the same place merchant brothers of the said Peter R. Kissam have by their petition to the legislature set forth that the said Peter R. Kissam died intestate leaving a widow and five minor children, that the estate of the said Peter R. Kissam chiefly consists of unimproved lands in the patent of Kayaderosseras which are unproductive and daily suffering waste by destruction of timber and wood growing thereon, that the children of the said Peter R. Kissam are exposed to want the necessities of life and to be without the means of education unless the legislature will authorise a sale of the said estate, therefore

Lands  
vested in  
Deborah  
Kissam  
and others  
as trustees.

*Be it enacted by the People of the State of New York represented in Senate and Assembly*, That all the real estate except in the city of New York which the said Peter R. Kissam was entitled to or of which he was seised at the time of his death shall be and the same is hereby vested in Deborah Kissam, Richard S. Kissam and Samuel Kissam upon trust that they or the survivors or survivor of them shall sell such real estate for the best prices that can be gotten for the same upon credit taking security on the lands or for cash as they may think most for the benefit of the said children and invest the proceeds thereof in bank stock or stock of the United States.

Disposi-  
tion of  
proceeds  
on sale of  
lands.

*And be it further enacted* That the said trustees or the survivors or survivor of them shall pay Deborah Kissam the widow and relict of the said Peter R. Kissam during her natural life the one third part of the interest or dividends arising from the purchase money arising from such sales whenever the said interest and dividends shall from time to time be received and shall apply the residue of the said interest and dividends or so much thereof as shall be requisite to the maintenance and education of the children of the said Peter R. Kissam observing in the distribution thereof the respective rights of the said children.

Payments  
to minors  
on arriving  
at age.

*And be it further enacted* That whenever either of the said minor children shall arrive at full age, the said trustees or the survivors or survivor of them shall transfer to the said child such proportion of two thirds parts of the said stocks or securities upon the said lands as the child so arriving at age shall be legally entitled to.

*And be it further enacted* That one third part of the said stocks and securities during the natural life of the said Deborah Kissam shall not be sold but the interest or dividends thereof shall be paid to her as aforesaid and on the decease of the said Deborah Kissam the said third part of the said stocks and securities and the interest and dividends arising from therefrom shall be applied sold and paid to and amongst the children in the manner before directed as to the said two thirds parts thereof.

Disposition of portion set apart for widow.

*And be it further enacted* That if the interest and dividends on the two thirds of the stock and securities shall be more than sufficient to maintain and educate the said minor children the surplus shall from time to time be invested in stock as aforesaid and also the interest and dividends arising from such investments so as to produce the greatest and best profit for the said minors but if the interest and dividends should prove inadequate to the maintenance and education of the said minors then it shall be lawful for the said trustees or the survivors or survivor of them to petition the chancellor of this State setting forth such inadequacy who shall thereupon in his discretion from time to time order such proportions of the principal of the said stock to be sold as shall be requisite to maintain and educate the said minors.

Education and maintenance of children.

*And be it further enacted* That the said trustees shall before they enter on the execution of their trust severally take an oath before the chancellor or a master in chancery faithfully to administer the same and to render an exact and true account whensoever required by the court of chancery and shall also give such security as the chancellor shall approve for the faithful performance of their trust.

Oath of trustees; security.

*And be it further enacted* That in case of the death of the said trustees it shall be lawful for the chancellor to appoint such person as he shall think fit to execute the trusts and duties prescribed in and by this act and the person so to be appointed shall take the like oath and give the like security as is required from the said trustees.

Vacancy.

## CHAP. 118.

### AN ACT to regulate the State prison ware house.

PASSED the 7th of April, 1800.

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That all boots, bootees, shoes and slippers hereafter to be made in the State prison of this State, or which have been made and shall be unsold on the first day of May next, shall be stamped on the most convenient part of the outer sole of each and every such boot, bootee, shoe or slipper with the words State prison and that no boots, bootees, shoes or slippers other than those actually made in State prison and thus stamped, shall be sold in the State prison or in any ware house established or that may be established under the direction of the inspectors of the State prison in the city of New York.

Goods manufactured in prison to be stamped.

*And be it further enacted* That if the keeper or clerk or any person or persons employed in the said prison or in such ware house shall expose to sale any boots, bootees, shoes or slippers not made in the State prison and thus stamped shall forfeit for every such offence fifty dollars; and if any person or persons shall counterfeit said stamp, or shall expose to sale any boots, bootees, shoes or slippers with such

Sale of 'unstamped articles.



counterfeit stamp he she or they shall forfeit for every such offence one hundred dollars to be recovered by action of debt by any person who will prosecute for the same, before any court having competent jurisdiction with costs of suit.

## CHAP. 119.

AN ACT authorising the trustees of the village of Lansingburgh to hold lands in the town of Troy and for other purposes therein mentioned.

PASSED the 8th of April 1800.

**Preamble.**

WHEREAS it has been represented to the legislature by the freeholders and inhabitants of the village of Lansingburgh in the town of Troy that the powers given the trustees of the said village by the present existing laws respecting the same do not authorise them to receive grants of any real estate in the said town of Troy not lying or being within the limits of the said village and it has also been represented that the commissioners in and by the act entitled "An act to improve the navigation of Hudson's river between the villages of Lansingburgh and Troy are not by the said act enabled to collect all the money by the said act authorised to be raised on account of many of the lots of land in the villages of Lansingburgh and Waterford being vacant or unoccupied and the owners thereof not being sufficiently known to the said commissioners, Therefore.

Right of trustees of Lansingburgh to hold real estate.

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That so much of the act entitled "An act to vest certain powers in the freeholders and inhabitants of the villages of Troy and Lansingburgh and for other purposes therein mentioned as limits and prohibits the trustees of the village of Lansingburgh and their successors from purchasing holding and conveying any real estate not lying and being within the limits of the said village shall be and is hereby repealed. *Provided always,* that it shall not be lawful for the said trustees to purchase or hold any real estate whatsoever not lying or being within the limits of the patent of Stonarabia, or village of Lansingburgh.

Assessments for improvement of Hudson river: lease of lands for unpaid assessments.

*And be it further enacted* That in case any of the lots of land or buildings situate lying and being within the limits of the villages of Lansingburgh or Waterford respectively which have been assessed agreeably to the directions of the act entitled "An act to improve the navigation of Hudson's river between the villages of Lansingburgh and Troy are or shall not be occupied or tenanted, or in case there is or shall not be sufficient goods and chattels for the payment of the sum or sums of money so assessed on the premises then and in every such case it shall be the duty of the commissioners appointed in and by the said act or a majority of them to cause an advertisement to be printed for six weeks successively in the public news paper to be printed by the printer to the State and in the public news papers to be printed in the village of Lansingburgh and in Ballstown in the county of Saratoga specifying the number or description of said lot or lots and the sum or sums so assessed upon them and requiring the owners of such lots to pay the said sum or sums assessed as aforesaid with the expence of such advertisement to the said commissioners within three months from the

date thereof. And in case any of the said sums so assessed shall remain unpaid at the expiration of the said three months then and in every such case the sum so assessed with legal interest for the same shall be a lien upon the lot upon which the same has been so assessed as aforesaid. And the said commissioners or a majority of them shall permit any person who will pay the sum so assessed on any such lot with the said charges to take possession thereof and such person his heirs and assigns shall and may hold and occupy the said lot and receive or take the rents and profits thereof to his and their own use until the owner shall repay to him or them the sum so to be paid with the lawful interest for the same from the time such money shall have been advanced. And the person so holding or occupying any of the said lots shall not be answerable to the owner or owners thereof for any rents or profits thereof during the time he occupied the same and shall have liberty at any time within thirty days after such repayment as aforesaid to remove all the buildings and materials which he she or they shall erect or place thereon.

*And be it further enacted* That the third section of the said act entitled "An act to improve the navigation of Hudsons river between the villages of Lansingburgh and Troy passed the first day of March one thousand seven hundred and ninety nine shall be and the same is hereby repealed.

Part of act  
repealed.

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## CHAP. 120.

AN ACT supplementary to the act entitled an act to amend an act, entitled an act, to provide against infectious and pestilential diseases.

PASSED the 7th of April, 1800.

*Be it enacted by the People of the State of New-York, represented in Senate and Assembly,* That whenever a vessel shall arrive at the anchoring place for vessels at quarantine, from a place where a malignant or pestilential fever prevailed, or if during her voyage any person has died or been sick on board with such fever, the master, owner or consignee shall forthwith upon the requisition and under the direction of the health-officer, whose duty it shall be to make such requisition, cause such vessel to be unloaded, cleaned and purified, and that until then, no permit shall be granted for her to proceed to the city of New-York, and every master, owner or consignee neglecting or refusing to comply with such requisition of the health-officer, shall be considered guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not exceeding five hundred dollars, or be imprisoned for a time not exceeding six calendar months, by any court having cognizance thereof.

Purification  
of  
vessels.

*And be it further enacted,* That whenever any vessel shall arrive at the quarantine ground, between the first day of June, and the first day of October, in any one year, from a place to the southward of the latitude of Sandy Hook, the master or person having the charge of such vessel, shall forthwith, upon the requisition of the health-officer, cause all the wearing apparel, bedding and every other thing on board, likely, in the opinion of the health-officer, to communicate infection, to be landed for the purpose of being cleansed with water or otherwise purified, under the direction of the commissioners of the

Purification  
of  
bedding,  
wearing  
apparel,  
etc.

health-office, by persons to be employed by them, during which cleansing they shall, if necessary, furnish any indigent person with change of apparel at the expence of the health-office, the same to be afterwards returned to the said commissioners; *provided* that it shall not be the duty of the commissioners to employ persons to cleanse and purify any part of the cargo of any vessel. And that until such requisition shall be complied with, no such vessel shall have a permit to proceed to the city of New-York. And that every master or person having charge of a vessel so circumstanced, neglecting or refusing to comply with such requisition, shall be considered guilty of a misdemeanor, and upon conviction thereof, be fined in a sum not exceeding two hundred dollars, or be imprisoned for a time not exceeding three calendar months, by any court having cognizance thereof.

Certain  
articles not  
to be  
brought  
into city  
between  
dates  
named.

*And be it further enacted,* That no cotton or hides, damaged coffe or damaged peltry, shall be brought into the city of New-York, between the first day of June, and the first day of November in any one year, and no coffee or peltry whatever within the period aforesaid, unless authorised by the commissioners of the health-office after having been examined. And that if any of the articles aforesaid, be brought into the said city in violation of this act, it shall be the duty of the said commissioners to seize and sell the same, and apply the neat proceeds thereof, to the use of the health-office.

Vacancy  
among  
commis-  
sioners.

*And be it further enacted,* That it shall be lawful for the mayor, or in his absence, the recorder of the city of New-York, in case of the death or resignation of any of the said commissioners, to appoint a suitable person or persons, to supply such vacancy until the sense of the council of appointment shall be declared thereon.

Fees of  
health  
office.

*And be it further enacted,* That instead of the sums of money heretofore authorised to be received by the wardens of the port of New-York from the persons hereafter mentioned, the commissioners of the health-office, or either of them, are hereby authorised and required to demand and receive, and in case of neglect or refusal, to sue for and recover in their own names, or in the name of either of them, with costs of suit from the captain or commander of every vessel which shall hereafter enter the port of New-York from any foreign port, the following sums of money, to wit: For each captain or commander, one dollar and fifty cents, for each cabin passenger, one dollar and fifty cents, for each steerage passenger, seventy five cents, and for each mate, sailor or mariner, seventy five cents, which several sums shall be demandable of the captain or commander of every such vessel, and on payment thereof, every such captain or commander shall and may lawfully demand and receive from every such person on whose account respectively, the same shall have been paid, the monies so paid, and the said monies so to be received by the said commissioners, or either of them shall be appropriated by them to the use of the health-office, deducting therefrom, the sum of five per cent, which they are hereby authorised to retain as a compensation for collecting the same.

Salaries.

*And be it further enacted,* That the commissioner other than the resident physician and health-officer shall receive a salary of one thousand dollars per annum, to be paid out of the monies heretofore appropriated for compensating the commissioners of the health-office; and he may reside at or near the marine hospital, or in the city of New-York, as a majority of the commissioners of the health-office may deem most proper.

*And be it further enacted,* That all the fines imposed and received under this act, shall be paid to the said commissioners, to be by them applied towards defraying the expence of the health-office. Application of fines.

## CHAP. 121.

AN ACT to establish a turnpike corporation for improving the road from East Chester to Byram.

PASSED the 7th of April, 1800.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That Philip Pell, John P. Delancey, Cornelius C. Roosevelt, Peter J. Munro, and Gabriel Thurman, and all such persons as shall associate for the purpose of making a good and sufficient road, from East Chester, beginning at or near the house of Theodosius Fowler, upon the new road lately made from Morristania to East Chester, and ending at the Connecticut line in Byram, in the nearest and most direct route as far as circumstances will admit, shall be, and hereby are created and made a corporation and body politic in fact and in name, by the name and stile of "The President Directors and Company of the West-Chester Turnpike Road," and by that name shall be capable in law to purchase, have, hold, enjoy and retain, to them and their respective successors, lands, tenements, hereditaments, goods, chattels and effects of every kind whatsoever, and the same or any part thereof to sell, grant, alien or dispose of, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in courts of record or any other place whatsoever. *Provided however* that the amount of the real estate which the said corporation are hereby authorized to purchase and hold shall not exceed two thousand dollars. *And provided further* that such estate so to be purchased and held, shall be necessary to fulfil the end and intent of the corporation hereby created and made, and to no other use, intent or purpose whatsoever.

West-  
chester  
Turnpike  
Road Com-  
pany incor-  
porated.

*And be it further enacted* that John P. Delancey, Cornelius C. Roosevelt, Peter J. Munro, Philip Pell and Gabriel Furman, be and they are hereby appointed commissioners to do and perform the several duties hereinafter mentioned, that is to say, they shall on or before the first day of June next, procure five books, and in each of them enter as follows, "We whose names are hereunto subscribed do for ourselves and our legal representatives, promise to pay the President Directors and Company of the West-Chester Turnpike Road, the sum of fifty dollars for every share of stock in the said company, set opposite to our respective names, in such manner and proportion, and at such time and place, as shall be determined by the said president, directors and company;" one of which books shall be left with each of the said commissioners, at their respective places of abode, who shall keep the same open for the purpose of receiving subscriptions; and every subscriber shall at the time of subscribing, pay unto either of the said commissioners, five dollars, for each share so subscribed; and the said commissioners shall, as soon as one hundred shares have been subscribed, cause an advertisement to be inserted in one of the public newspapers printed in the city of New York, giving at least ten days notice of the time and place, when and where the said subscribers shall meet, for

Subscription  
to  
stock.

Election of  
directors.

the purpose of chusing thirteen directors, who shall be stockholders for the purpose of managing the concerns of the company for one year, and the day of chusing the said directors, shall for ever thereafter be the anniversary day for chusing directors, and any seven of the said directors, shall be a quorum, and capable of transacting the business of the said corporation, and every act of a majority of the directors so met, shall be binding on the said corporation; and the said directors elected by a plurality of the stockholders present, shall immediately proceed to the choice of one of their number for president; and the said president and directors may meet from time to time at such place as they may find expedient and direct; and shall have power to make such bye-laws, rules, orders, and regulations not inconsistent with the laws of this State or the United States, as shall be necessary for the well ordering the affairs of the corporation. *Provided* that no person shall have more than twenty votes, whatever number of shares he may be entitled, and that each person shall be entitled to one vote by him or her held under the said number.

Capital  
stock.

*And be it further enacted* That the said president and directors may continue to receive subscriptions to the stock of the said corporation until there shall be three hundred shares subscribed; and shall have power to appoint such agents, clerks, workmen and others under them as shall be necessary for executing the business of the said corporation.

Lands  
taken for  
road; ap-  
praisal of  
value.

*And be it further enacted* That the said corporation by the president and directors, or by any agent, superintendant, artist, or other person employed in their service may by the advice and direction of the superintendants of the highways in the county of Westchester, enter into any land where they shall deem it proper to construct the said road, and by the like advice and direction, to lay out and survey such routes or tracts as shall be most practicable for erecting a good and sufficient road between the places aforesaid. *Provided nevertheless* that no such route or road shall be surveyed or laid out through any garden without the consent of the owner or owners thereof, if such garden shall have been cultivated as such, at least ten years before such road shall be laid out; and the said president and directors may contract and agree with the owners of the said land for the purchase of so much thereof as shall be necessary for the purpose of making the said road and for erecting and establishing gates, toll-houses and all other works to the said road belonging; and in case of a disagreement between the said parties respecting the damages to be done to the said land, or if the owner or owners shall be females covert, insane or under age, or out of the country, then it shall and may be lawful for the said president and directors to apply to one of the judges or assistant justices of the court of common pleas in and for the said county West Chester, not interested in the said road, who is hereby authorized and required to nominate, and by an instrument in writing signed by him to appoint three commissioners being freeholders of the said county and who shall not be inhabitants of any of the towns through which the said road shall pass, and it shall be the duty of the said president and directors to cause a copy of such appointment to be served on each of the said commissioners, who, or any two of them, shall thereupon name a day for meeting on the said lands, and performing the duties required of them by this act, and also to give notice to the owner or owners of such land of the said appointment, and the day, being at least four days from the time of giving such notice, when and where the commissioners will meet for the purpose of examining the lands and assess-

ing the damages, except in case the owner or owners shall labour under any of the disabilities aforesaid, or be absent, in either of which cases, a copy of such notice may be left at the dwelling-house of the party (if any) or other notorious place on the land through which said road shall pass; *and further*, each of the said commissioners shall before he proceed to exercise the trust reposed in him by this act, take and subscribe an oath or affirmation before one of the justices of the peace in and for said county, that he will without favour or partiality, estimate and assess the damages which may be sustained by the owner or owners of any lands or improvements which the said corporation may deem necessary for said road, and the commissioners shall then proceed to view the premises, and having determined the damages, shall make an inquisition under their hands and seals, or the hands and seals of any two of them, stating the amount of damages (if any) which each or any of the owner or owners of any parcels of land used or to be used for said road have sustained or shall sustain; which inquisition shall be acknowledged by the commissioners signing the same before one of the judges aforesaid and filed together with the affidavit aforesaid, in the office of the clerk of the said county of West-Chester, who shall at the expence, cost, and charges of the president and directors aforesaid, enter the same of record in the book kept by him for recording deeds; and the said corporation paying to the said several owners of said land the several sums awarded by such inquisition, shall have and hold to them, their successors and assigns forever the lands and tenements described therein; and the president and directors aforesaid shall pay to the judge who made the appointment of said commissioners, two dollars for his service, and to each of the said commissioners for every day necessarily attending the duties required of them by this act two dollars and fifty cents. *Provided* that nothing in this act contained shall be construed to authorise the said president and directors, or any other person whatsoever to enter upon such lands and thereon make the said road, until they shall have paid the value of such land together with such damages as may be agreed upon or appraised according to the provisions of this act.

*And be it further enacted* That it shall and may be lawful to and for the president, directors and company of the said corporation and their superintendants, artists, workmen and labourers, with carts, waggons, and other carriages, with their beasts of draft and burthen, and all necessary tools and implements, to enter upon the land contiguous or near to the said road, first giving notice of such intention to the owners or occupants thereof, and doing as little damage thereto as possible, and repairing any breaches they make in the enclosures thereof and making amends for any damage that may be sustained by the owners or occupants of such ground or improvements by appraisement in manner herein after directed and upon a reasonable agreement of the owners or occupants, if they can agree, or if they cannot agree, then upon an appraisement to be made upon the oath or affirmation of three, or if they disagree, of two indifferent freeholders to be mutually chosen, or if the owners or occupants neglect or refuse to join in the choice, to be appointed by any justice of the peace of the county, and on tender of the appraised value, to take any stone, gravel, sand or earth, being most conveniently situated for making or repairing the said road and turnpike, and to use the same in carrying on the said work.

*And be it further enacted* That the said president, directors and company, shall cause a road to be laid out, at least, four rods wide, Entry on  
lands;  
damages. How road  
to be con-  
structed.

twenty four feet of which shall be bedded with wood, stone, gravel, or any other hard substance compacted together a sufficient depth to secure a solid foundation to the same; and the said road shall be faced with gravel or other hard substance in such manner as to secure as near as the materials will admit, an even surface, rising towards the middle by a gradual arch or where a bridge or bridges are necessary, such bridge or bridges shall not be less than twenty feet wide; and they shall during the continuance of this act, maintain and keep the same in good order, from the house of the said Theodosius Fowler to the Connecticut line in Byram aforesaid.

License by  
governor.

*And be it further enacted* That as soon as the said president, directors and company shall have compleated five miles of the said road, then it shall be lawful for the said president, directors and company to give notice to the governor of this State, who shall thereupon forthwith nominate and appoint two or three judicious persons to view the same, and report to him in writing, whether the said road is so far compleated in a workmanlike manner according to the true intent and meaning of this act, and if the report is in the affirmative, then it shall be lawful for the governor, and it is hereby made his duty, by license under his hand and the privy seal of this state, to permit the said president, directors and company to erect one gate and turnpike across said road, and when the remainder of the said road shall be compleated according to the true intent and meaning of this act, and after obtaining license from the governor as aforesaid, it shall be lawful for the president directors and company to erect another gate and turnpike across the said road, at such place as they shall think proper; *provided* that the most westwardly gate upon said road shall be erected to the westward of the road leading from New Rochell church to New Rochell landing; and that the most eastwardly gate shall be erected to the eastward of the house of William Mariner in Rye; and that the last mentioned gate shall not be within one quarter of a mile of the Sawpit landing.

Rates of  
toll.

*And be it further enacted* That as soon as the whole or any part of the said road shall be compleated, and permission to erect a gate or gates as aforesaid granted, the said president and directors may appoint toll-gatherers to collect and receive of and from all and every person or persons using the said road the tolls and duties herein after mentioned and no more, at each of the said gates; for every score of sheep or hogs, six cents; for every score of cattle horses or mules, sixteen cents; and so in proportion for a greater or less number of sheep, hogs, cattle, horses or mules; for every horse and rider, or led horse, four cents; for every sulkey, or chaise, with one horse, ten cents; for every cart drawn by one horse, five cents; for every phaeton, chariot, coach, or coachee, twenty cents; and for every stage waggon, or other four wheeled carriage drawn by two horses, mules or oxen, ten cents; and three cents for every additional horse, mule, or ox; for every cart, drawn by two oxen, nine cents; and for every additional horse or ox, three cents; for every sleigh or sled, six cents, if drawn by two oxen or horses; and in like proportion if drawn by a greater or lesser number of horses or oxen. And it shall be lawful for any of the toll-gatherers to stop any person riding, leading, or driving any horse, cattle, sheep or hogs, sulkey, phaeton, chair, chaise, cart, waggon, sleigh, or other carriage of burthen or pleasure, from passing through the gates or turnpikes, until they shall have respectively paid the toll as above specified. *Provided always* that it shall and may be lawful for any person or persons residing within five miles

of any of the gates or turnpikes to be erected on said road, to compound by the year with the president and directors of the said corporation for the privilege of using the said road and passing through the said gates or turnpikes; and in case any such person or persons shall not be able to agree with the said president and directors upon the rate of compensation, the same shall be determined in the manner provided by the fifth section of this act, for ascertaining the value of lands that may be included in such road, except that it shall not be necessary for the inquisition or award of the commissioners to be acknowledged and recorded.

*And be it further enacted* That the said corporation shall cause mile-stones to be erected or placed, one for each and every mile of the said road, and on each stone placed as aforesaid shall be fairly and legibly marked, the distance the said stone is from the city of New York, and shall also erect guide posts at the intersection of all roads leading into and from said turnpike, and to which posts, boards shall be attached on which shall be inscribed the name of the town in which the post stands and the name of the town or towns to which the road leads in the direction to which the hand board points; and the said corporation shall also cause to be affixed to each gate or turnpike a printed list of the rates of toll which may be lawfully demanded.

Mile-stones  
and guide  
posts.

*And be it further enacted*, That if any person shall break or throw down or deface the mile stones guide posts or boards so erected for information of the good people of this State, or shall break cut or destroy any of the turnpikes or gates which shall be erected in pursuance of this act, or shall forcibly pass the same without having paid the legal toll at such gate or turnpike, such person or persons shall forfeit and pay a fine not exceeding ten dollars nor less than one dollar to be recovered by the treasurer of the corporation, to their use in an action of trespass, and if any person shall with his team carriage or horse turn out of said road to pass the said gates on ground adjacent thereto and again enter on said road, with intent to avoid the toll due by virtue of this act, such person shall forfeit and pay three times as much as the legal toll would have been for any such person in passing through said gate, to be recovered by the treasurer of the said corporation for the use thereof in an action of debt. *Provided nevertheless* that nothing in this act shall be construed so as to enable the said president and directors to receive toll of or from any person passing to or from his or her common business on his or her farm or to or from any mill not carrying a less quantity than one peck of grain meal or flour for the use of his or her family, to or from any funeral to or from public worship on Sunday or to or from any public landing not passing thereto on said road more than three miles.

Injury to  
stones,  
posts  
and gates;  
evading  
toll.

*And be it further enacted* That if any toll-gatherer shall unreasonably delay or hinder any traveller or passenger at any of the gates, or shall demand or receive more toll than is by this act established, he shall for every such offence, forfeit and pay the sum of two dollars, to be prosecuted for and recovered before any justice of the peace in the county where such offence shall be committed, for the sole use of the person so unreasonably hindered or attempted to be defrauded.

Unreason-  
able delay.

*And be it further enacted* That the shares in the said turnpike road shall be taken, deemed, and considered to be personal estate, and shall and may be transferable, and the transfers of the said shares shall be made and entered on the books of the said president directors and company.

Transfer of  
stock.



**Dividends.** *And be it further enacted* That the president and directors shall keep a just and fair account of all monies received by the collectors of toll on said road, and shall make and declare a dividend of the clear profits and income, (all contingent costs and charges being first deducted) amongst all the stock-holders of said corporation, and shall on the second Tuesday in January and July in every year, publish the half yearly dividend to be made of the clear profit amongst the stock-holders, and of the times and places when and where the same will be paid, and shall cause the same to be paid accordingly.

**Accounts to be filed with comptroller.**

*And be it further enacted* That within six months after the said road is completed, the said president and directors shall lodge in the comptroller's office of this State, an account of the expence thereof; and the corporation shall annually exhibit to the comptroller a true account of all the income arising from said toll, with the annual disbursements on said road.

**Bridge over East Chester creek.**

*And be it further enacted* That nothing in this act contained shall authorise the said president and directors or any other person whatsoever to build a bridge across East Chester creek unless in making such bridge there be an opening between the abutments thereof at least sixteen feet in width over which shall be constructed a good and sufficient draw for the passage of vessels with fixed standing masts, and it shall be the duty of all such person or persons who shall open said draw after his or their passage to shut and carefully close the same.

**Dissolution of corporation.**

*And be it further enacted* That the legislature may dissolve the said corporation when the income arising from said toll shall have fully compensated the said corporation for all monies they may have expended in purchasing, making, repairing and taking care of said road, together with interest thereon of twelve per centum per annum; and thereupon the right, interest and property of said road shall be vested in the people of this State, and be and remain at their disposal; *Provided* that if the said corporation shall not commence their operations upon said road, within two years after passing this act, or shall not within five years afterwards complete the said road, according to the true intent and meaning of this act, then, and in either of these cases this act shall cease, be void and of no effect.

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## CHAP. 122.

### AN ACT concerning the supreme and circuit courts, and for other purposes.

PASSED the 8th of April, 1800.

**July term, where held.**

*Be it enacted by the People of the State of New York represented in Senate and Asseembly,* That hereafter the July term of the supreme court of judicature of this State, shall commence and be held at the city of New York, on the third Tuesday in July in every year; and that the said term shall continue and be held from the time of its commencement every day, except Sunday, until and including Saturday in the next week.

**Chenango circuit.**

*And be it further enacted,* That the next circuit court and courts of oyer and terminer and gaol delivery in and for the county of Chenango, shall instead of the fourth Tuesday of May next, be holden

on the last Monday of June next, any thing in any former law or appointment to the contrary notwithstanding.

*And be it further enacted,* That the act entitled "An act to amend the act entitled "An act concerning the supreme court" passed during the present session of the legislature, shall be and the same is hereby repealed. Act recited repealed.

*And be it further enacted,* That so much of the act entitled "An act concerning amendments and jeofails as may be applicable, and the twenty third section of the act entitled "An act for the amendment of the law, and the better advancement of justice" shall be deemed and adjudged at all times, to apply as fully to judgments or proceedings given or had, or to be given or had, under or by virtue of the act entitled "An act for the more speedy recovery of debts to the value of ten pounds" as to judgments and proceedings in any other court of record in this State. How acts recited construed.

## CHAP. 123.

AN ACT to amend the acts, upon the subject of the salt springs in the county of Onondaga.

PASSED the 8th of April, 1800.

*Be it enacted, by the People of the State of New York, represented in Senate and Assembly;* That it shall and may be lawful for the superintendant of the salt works, in the county of Onondaga, and he is hereby required on behalf of the people of this State, to renew to the lessees or their assignees, such of the leases of the salt lots, at and contiguous to the said springs, as expire on the twentieth day of June next, for the period of seven years, subject to the rents, and upon the terms, and conditions prescribed in and by the act entitled, "An act concerning the salt springs, in the county of Onondaga" passed the first day of April, one thousand seven hundred, and ninety seven, and the acts amending the same, except that in the leases to be executed under this act, shall be inserted a stipulation, or condition, that in case any such lease, shall be assigned, or disposed of by the lessee, or any part of the premises therein contained underlet without the permission of the said superintendant, to be expressed in writing, the same lease shall be forfeited, and the premises therein contained, revert to the people of this State, and be liable to be entered upon by the said superintendant; which said permission the superintendant shall not give untill all arrears of rent upon any such lease shall be paid: *Provided also,* that no such lease shall be renewed, as aforesaid, unless all arrears or rent thereon, shall have been previously paid to the said superintendant. Renewal of leases of salt lands.

*And be it further enacted,* That the time appointed by the fourteenth section of the act entitled "An act relative to the salt springs in the county of Onondaga," for receiving certain rents in salt, shall be, and is hereby extended to the twentieth day of June next; and the period for erecting certain buildings prescribed by the twenty sixth section of the same act, is hereby extended to the first of January, one thousand eight hundred and one. Time extended.

*And be it further enacted,* That it shall and may be lawful for the said superintendant, upon the sale of any salt in the public store belonging to the people of this State, to give a credit therefor not exceeding six months upon good and sufficient security for the payment Credit may be given for salt sold.

of the price of such salt, with lawful interest thereon to the satisfaction of the said superintendent.

Duties of  
assistant  
attorney-  
general.

*And be it further enacted,* That it shall and may be lawful to and for the assistant attorney general of the district comprehending the said county of Onondaga, subject to the directions of the attorney general to execute and discharge the various duties enjoined upon the attorney general by virtue of the said recited acts.

Expenses  
of superin-  
tendent.

*And be it further enacted,* That the comptroller of this State shall audit, and allow all such reasonable expences, as have been incurred by the said superintendent, in executing his said office, and which have not been already provided for by law, and shall draw his warrant on the treasurer for the amount thereof.

## CHAP. 124.

AN ACT supplementary to the act entitled "An act for the relief of John Portious and Alexander Ellice," passed March 30th 1798.

PASSED the 8th of April, 1800.

Appropriation  
to persons  
named.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That it shall and may be lawful for the treasurer of this State, and he is hereby required, upon the warrant of the comptroller, to pay to the said Alexander Ellice, and the acting executors of the said John Portious, (who has deceased since the passing of the said recited act,) the sum of one thousand, four hundred, and seventy nine dollars, and twenty nine cents; *provided* the said Alexander Ellice, and the legal representatives of the said John Portious, shall execute to the people of this State a release of all claims, and demands against the State, for, and on account of the defect of title, to four sevenths of the tract of land mentioned in the said recited act, derived from this State; and enter into a guaranty with sufficient security to indemnify the people of this State, against all claims, and demands of the heirs of Sir William Johnson, in the same act named, for and on account of the said four shares of the said tract of land; which said instrument of release, and guaranty shall be first approved of by the attorney general of the State.

## CHAP. 125.

AN ACT to amend an act entitled "An act to raise a fund for defraying the damages done by dogs in the county of Richmond."

PASSED the 8th of April, 1800.

Dog tax in  
Richmond  
county.

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That it shall and may be lawful for the assessors in each and every town in the county of Richmond in every year after the first day of May next and at the time of making their annual assessments to enter in a book for that purpose to be kept by them the names of every person or persons in their respective towns owning or keeping any dog or dogs and the number thereof. And it is hereby

made the duty of said assessors to deliver an abstract from the said books to the collectors of each town with directions for collecting the tax directed in and by the said recited act, and the collectors of each town shall collect all such sum or sums of money mentioned in such abstract, and shall pay the same in the manner directed in and by said recited act and in default thereof shall be subject to the pains and penalties mentioned in the act hereby amended.

*And be it further enacted* That the residue of the monies arising from the tax in said county which shall remain after satisfying such damages as may arise in any year from dogs killing sheep agreeably to the third section of the said act hereby amended shall be paid to the overseers of the poor of the respective towns in said county for the support of the poor thereof in proportion to the tax levied and collected in each town in virtue of this act, and the supervisors are hereby directed to give warrants upon the treasurer for the same.

Applica-  
tion of  
proceeds  
of tax.

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## CHAP. 126.

**AN ACT** for the sale of lands in the Oneida reservation to persons therein named.

PASSED the 8th of April, 1800.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That it shall and may be lawful for the surveyor general, at any time before the next meeting of the legislature to receive proposals from John G. Moyer, Samuel Sinclair, John Sinclair, Conrath Klock, John Klock, Hanjost Klock, Charles Kern, Jon Van Eps, Wemple, Conrath Pickert, Hartman Pickert, John Schuyler, Michael Day, John Wollaber, William Seeber, Sylvanus Seeber, and Charles Hill senior, for the purchase of any lands or lots in the late Oneida reservation the property of this State, not exceeding two hundred and fifty acres to one person, and to cause the same to be surveyed when necessary and to ascertain, by the best information, the respective value, and make report in the premises to the legislature at their next session —

Survey and  
appraisal  
of lands.

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## CHAP. 127.

**AN ACT** to enable certain persons therein named to purchase and hold real estates within this State.

PASSED the 8th of April 1800.

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That it shall and may be lawful for Samuel S. Summers, Samuel Aldwell Smith, James Banks, Anthony McMurdy, Joseph Renville, Charles Lee, Thomas Sheckelton, William Millbank, Andrew Smith, John McMaster, John Buchanan, Christian Wilkey, Frederick Bunhauner, Martin Symit, Ezekiel Moore, Thomas Bowleigh, John Sloan, John Barrs, John Winteringham, Thomas Harden, James Boone, Archibald Campbell, James Walker, Hugh Sinclair,

Persons  
named  
may hold  
lands in  
this State.

Duncan Sinclair, Fercher McKercher, John Creighton, John Waterman Wall, Thomas Davidson, John Brown, Alexander Gilchrist, James O'Brien, Moses F. Bodell, Hugh Hannah, William Hannah, John Giles, John Mills, Peter Robertson, William Balde, Henry Balde, John Bradwell, Richard Moore, George Clussman, Henry Waggoner, Henry Goodier, and Aaron Goodier severally to purchase lands, tenements and hereditaments within this State, and respectively to have and to hold the same, to them and to their respective heirs and assigns for ever, as fully to all interests and purposes as any natural born citizen may or can do; any law, usage or custom to the contrary notwithstanding.

Lands  
already  
purchased  
not to es-  
cheat.

*And be it further enacted*, That no lands, tenements or hereditaments in this State, heretofore purchased by any of the persons herein before named, shall escheat to the people of this State, by reason or on account of such persons there being alien, but all such lands tenements and hereditaments shall be understood as having vested in such purchaser or purchasers, any law to the contrary notwithstanding. *Provided always* that no alienation of any land purchased, or to be purchased or held by virtue of this act, shall be good and effectual in the law other than to a citizen or citizens of the United States.

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## CHAP. 128.

AN ACT altering the time of holding town meetings in the town of Thurman in the county of Washington, and to alter the name of the town of Suffrage, in the county of Otsego.

PASSED the 8th of April, 1800.

When  
town meet-  
ing in  
Thurman  
held.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly*, That from and after the first day of June next the annual town meetings to be held, in the town of Thurman, shall be on the first Tuesday in March in every year.

Business  
of town.

*And be it further enacted*, That all business relating to said town, that by law ought to be transacted on the last Tuesday in March annually, shall and may hereafter be transacted on the last Tuesday in February in every year.

Name of  
town  
changed.

*And be it further enacted*, That from and after the first day of June next, the town of Suffrage, in the county of Otsego, shall be called by the name of Milford any law to the contrary notwithstanding —

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## CHAP. 129.

AN ACT to annul the act entitled "An act to regulate the culling of staves and heading.

PASSED the 8th of April, 1800.

Inspector-  
general of  
staves and  
heading.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly*, That the person administering the government of this State for the time being, by and with the advice and consent of the council of appointment, shall and may appoint an inspector-gen-

eral of staves and heading for the city and county of New York, who before he enters on the execution of the duties of his office, shall take and subscribe the following oath or affirmation, before the mayor or recorder of said city: I do solemnly swear (or affirm) that I will truly, faithfully and impartially, according to the best of my capacity, and ability, perform the duty of inspector-general of staves and heading according to law, without any wilful or intentional omission, neglect or delays whatsoever. And the said inspector-general is hereby authorised and required to superintend the cullers of staves and heading within the said city and county, in order that the laws relative thereto may be duly executed and the said cullers are required to follow such instructions and directions as they or any of them may receive from time to time, from the said inspector-general, in relation to the duties required of them by law, and shall as often as once in every month make a return to him of the quantity of staves and heading which they cull, and of whom, specifying the different kinds; and the said inspector-general is hereby authorised and empowered to displace any of the said cullers who shall, in his opinion, act inconsistently with the trust reposed in them from negligence, incapacity, malpractice, or any other cause, and the said inspector-general shall appoint some fit person to act in the room of the person so displaced, until the pleasure of the council of appointment is known, and in case any of the said cullers shall die or resign, the said inspector-general shall appoint some fit person to supply the vacancy until the pleasure of the council of appointment is known, and it shall be the duty of the said inspector-general to report to the person administering the government for the time being, the name of the culler or cullers who shall so die, be displaced, or resign, and the name of the person or persons by him appointed to supply such vacancy, as soon after as may be, and where any dispute shall arise respecting the culling of staves and heading, such dispute shall be submitted to the said inspector-general, whose determination thereon shall be final.

*And be it further enacted,* That the said inspector-general and the cullers of staves and heading in the city and county of New-York, are hereby prohibited from buying or selling, either on their own account or as agent or factor for any other person, any staves or heading whatever under the penalty of fifty dollars for each offence, to be sued for, recovered and applied according to the directions of the act hereby amended, *provided*, that nothing herein contained, shall be construed to prevent the said inspector-general or cullers, if they are coopers and actually carry on that business, from buying staves and heading for their own use.

Prohibition on officers in New York city.

*And be it further enacted,* That the said inspector-general, shall be entitled to receive on every thousand merchantable staves and heading, which shall be culled in the city and county of New-York ten cents one half to be paid by the buyer, the other half by the seller, and for all such staves or heading as are culled out and not merchantable, he shall be entitled to receive of the proprietor thereof, the one half of the above mentioned compensation; and the said cullers in the city and county of New-York, shall be entitled to receive the following compensation in addition to what is allowed by the act hereby amended, viz. On every thousand pipe staves twelve and a half cents, on every thousand hoghead staves and heading twelve and a half cents, for every thousand barrel staves twelve and a half cents and for every thousand long or short butt staves twenty five cents and no more, one half to be paid by the buyer, the other half by the seller, and for all such staves

Fees of inspector-general.

or heading as are culled out and not merchantable, they shall be entitled to receive of the proprietor thereof, the one half of the said additional compensation.

Authority  
to examine  
vessels to  
discover  
illegal  
shipments.

*And be it further enacted*, That the said inspector-general shall have full power and authority by virtue of this act, and on suspicion that any staves or heading which have not been culled or which have been condemned as unmerchantable, shall have been shipped in any ship or other vessel for exportation, to enter on board any ship or vessel whatsoever, within any harbor, port or river in the said county, to search for and make discovery of any staves or heading shipped or shipping on board any such vessel for exportation, immediately from thence to any foreign market, and if he can discover any staves or heading shipped on board any such vessel, that have not been culled by one of the cullers appointed according to law, or shall find on board, any staves or heading which have been culled out or condemned, he is hereby required to cause the same to be relanded, and the said staves or heading which shall have been thus loaded on board any such vessel, and not have been culled, or have been culled out or condemned, shall be and hereby are forfeited, and the proceeds thereof shall be applied according to the directions of the last section of the act hereby amended. And if any master owner or consignee of any such vessel, or any other person shall by threats or violence prevent the said inspector-general from entering on board any such vessel to make such search, or shall menace or disturb him while on board, and thereby prevent, or attempt to prevent his performing the duties of his office, every person so offending, shall forfeit the sum of fifty dollars for every such offence, to be recovered by action on the case, in the name of the chamberlain of the city for the time being, which when recovered, shall be applied as penalties are to be applied by the direction of the last section of the act hereby amended.

Repealing  
clause.

*And be it further enacted*, That so much of the "Act to regulate the culling of staves and heading" passed the seventh March 1788, as comes within the purview of this act, shall be and hereby is repealed.

Reports to  
be made.

*And be it further enacted*, That it shall be the duty of the said inspector general to make reports annually to the person administering the government of this State for the time being, to be laid before the legislature, and in such report, he shall set forth whether any and if any, what amendments are proper to be made to the laws relative to the culling of staves and heading, and likewise what number of the respective kinds of staves and heading has been culled in the city of New-York in the year for which the said report may be made.

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## CHAP. 130.

### AN ACT for the relief of Elijah Cady.

PASSED the 8th of April, 1800.

Audit of  
certain ac-  
counts by  
super-  
visors.

*Be it enacted, by the People of the State of New York represented in Senate and Assembly*, That it shall be the duty of the supervisors of the county of Columbia or the major part of them, and they are hereby required to audit the accounts of Elijah Cady of the town of Chatham and county aforesaid, for building a bridge over what is commonly called the Kinderhook creek, near the house of Abraham

I. Van Alstyne, and also for building a bridge over a creek near the house of Timothy Bunker, and also the bridge over the stream near the house of Alexander Webster, inn keeper, in the town and county aforesaid, as shall be just and equitable, and cause the said sum of money so audited to be levied, raised and collected from the freeholders and inhabitants of said county in such proportions, on the respective towns and city of Hudson in said county as the superintendants of said county shall direct, to be collected in like manner as the contingent charges of said county are levied, raised and paid, and the treasurer of the said county is hereby directed and required to pay the same to the said Elijah Cady on his producing an order from the said supervisors or the major part of them for that purpose, on or before the first day of March next.

*And be it further enacted,* That it shall be the duty of the said superintendants at their next annual meeting to determine the proportion in which the sum of one thousand dollars shall be levied on, and collected from the freeholders and inhabitants of the several towns and city of Hudson in said county, for the purpose of building a bridge over the Kinderhook creek, between the grist mill built by Thomas Goldthwait and the mills erected by David Lawrence between the city of Hudson and the town of Kinderhook (if in their opinion the said bridge be of sufficient public utility) to render it proper to be built at the expence of the county, and the comparative burthens of the other towns in said county in supporting bridges, render it just and equitable that they should defray a portion of the expence of building the same; and it shall be the duty of the supervisors forthwith to cause to be levied, raised and collected the sum of one thousand dollars, on the principles directed by the superintendants, and in the manner herein before directed, which sum when collected, or so much thereof as shall or may be from time to time collected, shall be paid to the chamberlain of the city of Hudson, to be applied to the purpose aforesaid in such manner as the common council of the said city of Hudson shall direct.

Assessment for bridge over Kinderhook creek.

## CHAP. 131.

### AN ACT for the relief of George Hunter.

PASSED the 8th of April, 1800.

WHEREAS it has been represented to the legislature by George Hunter and Company auctioneers in the city of New York that they returned by mistake the sum of forty thousand five hundred and ninety four dollars and eighty three cents, sold by them at vendue on the tenth and seventeenth of December one thousand seven hundred and ninety eight, belonging to the estate of William Bryson deceased, and which by law was exempted from duty. Therefore

*Be it enacted by the People of the State of New York represented in Senate and Assembly* That it shall be lawful for the comptroller to allow to George Hunter of New York in any settlement of his account for duties on goods sold at vendue a credit of one thousand two hundred and seventeen dollars and eighty four cents, being the amount of duties paid by George Hunter and Company on the aforesaid return, provided it shall appear to the comptroller that the goods aforesaid were by law exempt from duty, and that the duties aforesaid, have actually been paid into the treasury.

Remission of duties.



## CHAP. 132.

AN ACT to explain and amend the act entitled "An act for the assessment and collection of taxes.

PASSED the 8th of April, 1800.

Valuation  
of real  
estate.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the assessors in each town and ward in this State, shall make such alteration in the valuation of the real estates, by adding to or deducting from each of them, such sums as shall appear to them to be just and equitable, and necessary to equalize the tax upon the real estates, within their respective towns or wards; subject however on appeal, to the revision and final correction of the commissioners of taxes of such county; and shall set down in one column in their assessment roll and opposite to the name of the possessor thereof, the just and true value of all houses and lands in such town or ward, liable by law to be taxed; and where any such houses or lands are not occupied, the assessor shall set down the name of the owner or supposed owner as the possessor thereof. *Provided* that in equalizing as aforesaid the assessors shall not lessen the aggregate or gross amount of the valuation made under the authority of the United States. And if the assessors shall discover any houses or land not contained in said assessment roll, they shall ascertain, and set down therein the true value thereof, agreeably to the principles prescribed by the act of Congress for making valuations of real estate, and shall add such valuations to such aggregate amount.

Personal  
estate.

*And be it further enacted,* That the residue of the personal estate contemplated in the third section of the act hereby amended shall be considered by the assessors to be, the amount the person is worth at the time of making such assessment over and above the real estate, and enumerated and excepted articles, such person may own and over and above all the debts he may owe. *Provided always* that the said residuary property, shall not be construed to include household furniture under the value of two hundred dollars, possessed by any one person.

Contingent  
taxes of  
counties;  
cities,  
towns and  
wards

*And be it further enacted,* That all taxes for defraying the public and necessary contingent charges of each respective county and for the maintenance and support of the poor of each city, town and ward in this State, shall hereafter be raised and levied together with the taxes to be raised and levied for the use of this State. And that the supervisors in each of the respective counties in this State shall yearly, when they have examined, settled and allowed all the accounts with which the same county is or shall be chargeable, and ascertained what sum of money ought to be raised in the same county in that year, for the payment thereof and for defraying, the public and necessary contingent charges of the same county, transmit an account thereof to the commissioners of taxes in the same county, together with an account of the sums to be raised in that year by each city, town and place in the same county, for the maintenance and support of the poor thereof. And the commissioners of taxes in the respective counties shall cause all such sums to be raised and levied, by adding to the tax of each person, liable to pay such tax whether he be an inhabitant or not, in the same county, a due proportion of the sum to be raised in the same county for county charges, and by also adding to the tax of each person liable to pay such tax whether he be an inhabitant or not, in each

city, town and ward in the same county a due proportion of the sum to be raised for the maintenance and support of the poor in the same city, town or ward; and shall in their warrants to the collectors of each respective city, town and ward in the same county, direct such collector to pay the sum to be raised for the maintenance and support of the poor of the same city town or place specifying the amount thereof, to the overseers of the poor of the same city, town or place, out of the first money he shall collect, and the residue of the money to be collected by him, to the treasurer of the county on or before the first day of February then next. And the commissioners of taxes shall in their certificates to the county treasurer, specify how much of the tax in each city, town and place in their county, is raised for county charges: And the respective county treasurers are hereby directed and required to appropriate and apply the first monies which shall come to their hands, arising from the tax, to the payment and discharge of such county charges. And the supervisors of each respective county in this State, shall yearly upon settling the accounts of their county, transmit to the county treasurer, a list or account of the sums allowed by them, with the names of the persons to whom the same are to be paid.

*And be it further enacted,* That the supervisors at their meeting in May next, instead of transmitting an account of the arrears of taxes to the attorney general or assistant attorney general, according to the directions of the said act for the assessment and collection of taxes, shall cause all such arrears to be levied together with the arrears of the State tax and in the same manner. Arrears of taxes.

*And be it further enacted,* That the comptroller shall from time to time, give to any person requiring the same a certificate of the amount of any tax unpaid, whether charged upon real or personal estate; and it shall be lawful for the treasurer to receive and give a receipt for the same tax upon such certificate, which shall be carried to the comptroller, who shall countersign the same, and enter the payment in the account in his office, which shall be a sufficient discharge of such tax. And such tax shall not be included in any account to be sent to the supervisors, or to the attorney general or to any assistant attorney general. Payment of arrears to State treasurer.

*And be it further enacted,* That if upon examination the commissioners shall find that any sum returned to them, as an arrear of any tax, was laid on the land or on the person charged by mistake and to lay the same tax upon the proper person or land, and where no such person or land shall be found, or where any land or person, shall be doubly charged, the commissioners instead of adding the amount of such arrears to the next tax, shall certify the matter to the comptroller; which certificate shall be considered as a discharge of such tax, and no further proceedings shall be had thereon. Correction of erroneous taxes.

*And be it further enacted* that hereafter there shall be no more than three assessors elected in any town in this State. Three assessors in towns.

*And be it further enacted* That the real estate of every ordained minister of the gospel, not exceeding in value fifteen hundred dollars shall be and hereby is exempted from taxation. Exemption of ministers.

## CHAP. 133.

AN ACT for the payment of certain officers of government, and for other purposes.

PASSED the 8th of April, 1800.

Annual appropriation bill; surveyor-general.

*Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the treasurer of this State shall on or before the first day of July next, on the warrant of the comptroller, pay to Simeon De Witt surveyor-general of this State, the sum of twelve hundred and fifty dollars for his services in his said office, from the first day of July last to the first day of July next. *Provided nevertheless* that the said Simeon De Witt shall account with the comptroller of this State, and pay into the treasury all the fees which he may have received, or shall receive, as surveyor general, during the time above mentioned, and which have not been yet accounted for, and paid.

State printer

*And be it further enacted,* That the treasurer shall pay unto Loring Andrews, printer to this State, such sums of money as shall be certified by the comptroller, to be due to him, for printing the laws and journals of the present session of the legislature; and such other printing as has been or may be done by him for the State.

Adjutant-general.

*And be it further enacted,* That the treasurer shall pay to David Van Horne, adjutant general of the militia of this State, the sum of fifteen hundred dollars for his services in his said office from the first day of July last until the first day of July next.

Extra compensation to State officers.

*And be it further enacted* That from the first day of July last to the first day of July next, there shall be allowed to the several officers of government in addition to the annual salaries, now allowed to them and each of them respectively, in and by the act entitled "An act for the support of government" the following sums, to wit, to the chancellor the sum of six hundred and twenty five dollars; to the chief justice and to each of the other judges of the supreme court the sum of six hundred and twenty five dollars; and for the present session of the legislature, in addition to the sums allowed in and by the act entitled "An act for the better support of government" to the president of the senate and the speaker of the house of assembly the sum of one dollar and twenty five cents a day, for each days attendance, in their respective stations; and to each member of the senate and assembly the sum of seventy five cents a day, for each days attendance in the legislature; and to each of the members of the legislature, and the attendant officers on the legislature for travelling, at the rate of twenty miles per day, at the rates allowed them by this, or any former act.

Chaplain of legislature.

*And be it further enacted,* That the treasurer shall pay to such of the clergy, as shall have attended the legislature as chaplains, during the present session the sum of two dollars each, for every day they shall have so attended: which sums shall be certified by the president of the senate and speaker of assembly.

Clerks of legislature.

*And be it further enacted,* That the treasurer shall pay to the clerk of the senate, and to the clerk of the assembly, the sum of one dollar and fifty cents per day each, in addition to the compensation allowed them, in and by the act entitled "An act for the support of government;" and shall also, on the warrant of the comptroller, pay to the

said clerks, such sums as shall be certified to be due to them respectively, for engrossing and other extra services performed by the said clerks, during the last session of the legislature; and in future for engrossing each sheet or folio of seventy two words nine cents; and six and an half cents, per folio of seventy two words, for copying the journals for the governor, resolutions to either house for concurrence, and copies furnished the State printer; and for issuing notices of vacancies in the senate as directed by law, fifty cents.

*And be it further enacted,* That the treasurer shall pay to the messenger and door keeper of the council of revision, and council of appointment, the like compensation per day, as is allowed to the door keepers of the senate and assembly; and that there be paid to the sergeants at arms and to the door keepers of the senate and assembly, and to each of them, in addition to the allowance now made by law, the sum of fifty cents for each and every day they shall respectively have attended to their duties during the present session.

Officers  
of legisla-  
ture.

*And be it further enacted,* That the members of the council of appointment shall, for their attendance during the recess of the legislature, be entitled to the like allowance per day, and for travelling, as is allowed to the members of the legislature.

Council of  
appoint-  
ment.

*And be it further enacted,* That it shall be lawful for the treasurer to pay to the person administering the government of this State for the time being, to defray the incidental charges which may arise in and about the administering the government of this State, such sum or sums as he shall require; not exceeding in the whole the sum of seven hundred and fifty dollars.

Incidental  
charges of  
executive.

*And be it further enacted,* That a tax of one mill upon each dollar of the valuation of the real and personal estates within this State, shall be raised, levied and collected in the present year, in the manner directed by any act or acts of the legislature of this State.

State tax  
levied.

*And be it further enacted,* That the comptroller shall audit the accounts of Nathaniel Norton and William Steward for services performed by them, under the act entitled "An act authorizing the surveyor general to ascertain the eastern boundary line of the land ceded by this State to the commonwealth of Massachusetts, and for other purposes therein mentioned;" and draw his warrant on the treasurer of this State for the same, who is hereby directed to pay the same. *Provided nevertheless* that the amount so to be audited, shall not exceed the sum of five hundred and seventy five dollars and eighty four cents.

Nathaniel  
Norton and  
William  
Steward.

*And be it further enacted,* That the treasurer shall pay on the warrant of the comptroller, to Simeon DeWitt such sum as shall be due to him for expences in executing the laws directing certain lands to be granted to Nathaniel Mallory and his associates; and also such further sum as shall be due to him for a survey in Brother town, made pursuant to concurrent resolutions of the senate and assembly, of the twentieth day of February one thousand seven hundred and ninety eight.

Expenses  
of sur-  
veyor  
general.

*And be it further enacted,* That the treasurer shall pay, upon the warrant of the comptroller, to the State printer such sum as he shall be entitled to, upon the settlement of his accounts, for extra printing during the present session of the legislature, agreeable to the concurrent resolution of the senate and assembly, of the present session, and for like printing performed at the last session of the legislature; and such sum as he shall be entitled to, for printing five hundred copies of the Reverend John B. Johnsons sermon; and also such sum as, upon

Extra  
printing.

a settlement of his account with the comptroller may be due to him, for printing the fourth volume of the transactions of the Society for Promoting Agriculture, Arts and Manufactures, agreeably to concurrent resolutions of the last session of the legislature.

Deputy  
commis-  
sary.

*And be it further enacted,* That it shall be lawful for the person administering the government of this State for the time being, with the advice and consent of the council of appointment, to appoint a deputy commissary of military stores, to take the charge of the arsenal near the city of Albany, and the military stores that may be deposited therein; who shall receive as a compensation for his services yearly, the sum of one hundred dollars; to be paid by the treasurer, on the warrant of the comptroller.

Ontario  
and Tioga  
school  
monies.

*And be it further enacted,* That the treasurer of this State is hereby directed to pay, on the warrant of the comptroller, to the treasurers of the counties of Ontario and Tioga, the sums that became payable, on the third Tuesday of March one thousand seven hundred and ninety eight, to the said counties respectively agreeable to the act "for the encouragement of schools" passed the ninth day of April one thousand seven hundred and ninety five; and that the said sums shall be apportioned and paid by the treasurers of the counties of Ontario and Tioga, to and among the several towns of the counties of Ontario and Steuben, of Tioga and Chenango, which were formerly included in the said county of Tioga, in the proportions directed by the last act mentioned.

Charles R.  
and  
George  
Webster.

*And be it further enacted,* That the comptroller shall audit and allow any accounts for printing performed by Charles R. and George Webster in pursuance of concurrent resolutions of the senate and assembly and any law of this State, and shall draw his warrant upon the treasurer for the amount thereof.

*Whereas* the treasurer of this State is directed, in and by an act entitled "An act for the relief of Joshua Quereau and Elias Quereau" passed at the present session of the legislature, to pay to the said Joshua Quereau and Elias Quereau the sum of three hundred and thirty pounds, with the interest thereof, as therein mentioned, on their and Joshua Purdy, therein named, releasing and conveying to the people of this State, all their right, title and interest to the premises therein specified; *and whereas* also the said Joshua Purdy is dead. Therefore

Release  
ratified.

*Be it further enacted,* That a release and conveyance executed to the people of this State, by the legal representatives of the said Joshua Purdy, of all their right, title and interest of, in and to the said premises shall be as effectual for the purpose therein intended, as if made and executed by the said Joshua Purdy in his life time.

George  
Walker.

*And be it further enacted,* That the treasurer shall pay on the warrant of the comptroller, unto George Walker the sum of sixty two dollars and twenty five cents, which was expended by him, for the freight and transportation of two pieces of cannon, and one ammunition waggon, from New York to Cooperstown in the county of Otsego.

Arthur H.  
Herrbach.

*And be it further enacted,* That the treasurer shall on the warrant of the comptroller, pay unto Arthur H. Herrbach or order the sum of one hundred and thirty seven dollars and fifty cents for freight of eleven iron cannon, conveyed from Red Hook to New York, by the direction of the commissioners, constituted by the act entitled "An act authorising the erecting of fortifications within this State."

Selah  
Strong.

*And be it further enacted,* That the treasurer shall pay on the warrant of the comptroller, unto Selah Strong the sum of twelve dollars

and thirty five cents, for the sum overpaid by mistake into the treasury, for the State tax for the county of Suffolk.

*And be it further enacted,* That the treasurer is hereby required and authorized to pay, upon the warrant of the comptroller, out of any money in the treasury not otherwise appropriated, to Sarah Jones widow of Philip Jones, the sum of one hundred and twelve dollars and eighty two cents in full of all claim of dower, which the said Sarah has in the estate forfeited to the people of this State by the attainder of her husband Philip Jones, on the said Sarah's executing a release to the people of this State of all her interest and right in the estate above mentioned.

*And be it further enacted* That it shall and may be lawful for the comptroller, the attorney general and surveyor general of this State, or any two of them, in all cases where it shall appear to them, that lands not forfeited to the people of this State, have been improperly sold under the authority of the same, to compromise, extinguish and settle all claims and demands, of any purchaser or purchasers, his or their heirs, executors, administrators or assigns by reason of such sale or sales, against the people of this State; and that it shall and may be lawful for the comptroller to draw his warrant on the treasury, for the sum or sums, that shall or may be agreed to be paid for the purposes aforesaid, to be paid out of any unappropriated monies in the treasury.

*And be it further enacted,* That the treasurer shall pay such sums, as shall be certified by the comptroller to be row due, or hereafter to become due to the attorney general, the surveyor general and the comptroller, or to either of them for the costs, expences and disbursements, by them or any of them incurred, or to be incurred and paid, in and about the execution of the trust hereby reposed in them, and in and about the execution of the trust reposed in them in and by the last section of the act entitled "An act for the relief of the purchasers of certain lands in the fourth allotment of the royal grant, and for other purposes passed the thirty first day of March one thousand seven hundred and ninety eight; provided such sum or sums shall not exceed the annual sum of two hundred and fifty dollars.

*And be it further enacted,* That the supervisors of the county of Ontario shall audit and allow the account of Augustus Porter, Samuel Colt and Amos Hall for services performed, and expences incurred by them as commissioners of taxes, in and for the county of Ontario; and shall cause the same to be levied and collected in like manner, as the contingent charges of said county are by law levied and collected.

*And be it further enacted,* That the lotteries to be drawn in pursuance of the act entitled "An act for opening and improving certain great roads within this State" shall be drawn in the city of New York, under the inspection of the managers thereof, or any two of them, any law to the contrary thereof notwithstanding.

*And be it further enacted,* That the treasurer shall pay, upon the warrant of the comptroller, such sum as the person administering the government, may expend in collecting into the arsenals and magazines any arms and ammunition in this State, belonging to, and not under the care of the United States, not exceeding two hundred dollars.

*And be it further enacted,* That the treasurer shall pay unto Josiah Tryon or order, on the warrant of the comptroller, the ballance of five hundred dollars, remaining in the treasury and unexpended, on account of improving the road from Fort Stanwix to the bridge erected over the Fish creek, and from thence through George Scriba's

Sarah Jones.

Compromise of claims.

Expenses of attorney-general, comptroller and surveyor-general.

Accounts of persons named.

Where lotteries to be drawn.

Collecting arms and ammunition.

Josiah Tryon.

land, and through the township number twelve in Boylston's purchase, in pursuance of the act entitled "An act supplementary to the act entitled "An act for opening and improving certain great roads within this State," to be applied in repairing the said road in such parts thereof as he shall judge necessary, and to account with the comptroller for the expenditure of the same.

Physician  
and  
surgeon  
given  
time for  
procuring  
certifi-  
cates.

*And be it further enacted,* That the period of three months is hereby granted to any physician or surgeon who may remove into this State, from any of the United States, to procure a certificate of his qualification in his profession conformably to the act in that behalf provided; and any penalty incurred by any physician or surgeon for a non compliance with the said act within the said period of three months after such removal, for the recovery of which no suit or prosecution has already been commenced, shall be and hereby is remitted.

Private  
secretary  
of gov-  
ernor.

*And be it further enacted,* That the treasurer shall pay to the private secretary of the person administering the government of this State, upon the warrant of the comptroller, the sum of one hundred and eighty seven dollars and fifty cents, in addition to the sum allowed by the act entitled "An act for the support of government."

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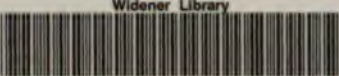






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